



The Legislative Wrap-Up

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COURTS AND CIVIL PROCEEDINGS

Lawyers appointed by the court to represent a child in custody, visitation, or support cases, called “*guardians ad litem*,” until recently enjoyed immunity from malpractice claims. In a ruling last month, the Maryland Court of Appeals stripped them of that immunity. [SB 664/HB 700](#), heard in committee this week, provide immunity from civil liability for *guardians ad litem* except for acts or omissions showing willful or reckless disregard for the best interests of the child, and grant only the represented child the standing to sue. A similar bill, [SB 930](#), is not yet scheduled for a hearing.

Legislation that would have allowed, at the presiding judge’s discretion, the news media to record a criminal proceeding that is open to the public ([HB 81](#)) received an unfavorable committee report this week.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

A House committee heard testimony this week on [HB 1161](#) that grants victims of a violent crime committed by a juvenile the right to file for leave to appeal from orders that may affect their rights. Currently, only victims of a violent crime committed by an adult have such a right. Companion bill [SB 508](#) is scheduled for a hearing next month.

Felony crimes involving the trafficking of persons and involuntary servitude are established under the provisions of [SB 630/HB 996](#), scheduled to be heard in committee next month. In addition to establishing criminal penalties for the crimes, the legislation creates a Task Force for the Prevention of Trafficking of Persons and Involuntary Servitude that must report by September 30, 2008.

Legislation that makes a person who inflicts unnecessary suffering or pain on an animal guilty of a misdemeanor ([HB 11](#)) passed the House.

ECONOMIC AND BUSINESS ISSUES

Late last year, it was announced that FPL Group, Inc. and Constellation Energy Group, Inc., which is the parent company of Baltimore Gas and Electric, would merge to create the nation’s largest competitive energy supplier. With electricity rates expected to increase dramatically over the next six months, it is uncertain whether the merger will result in a reduction or an increase in electricity rates to Maryland customers. Introduced this week, [SJ 11](#) directs the Attorney General to carefully examine the merger in an effort to protect the interests of electricity customers in the State, and [SJ 10](#) urges the Public Service Commission to proceed immediately with the design and approval of a competitive pilot program for local governments to offer residential aggregation programs.

A District Court judge recently ruled that the Maryland Home Improvement Commission must first determine whether a defendant acted as an unlicensed contractor before the defendant can be prosecuted on criminal charges. Heard in committee, [HB 436](#) clarifies that an administrative hearing and adjudication by the commission is not a prerequisite to criminal prosecution of a home improvement contractor, subcontractor, or salesperson for acting without an appropriate license.

An employer who requires persons to be tested for job-related reasons for the use or abuse of alcohol or a controlled dangerous substance can only request that a person’s blood, urine, hair, or saliva be tested. [HB 299](#), which had a hearing in committee, authorizes the use of an evidential breath measurement device commonly referred to as a breathalyzer.

EDUCATION

Both [SB 373](#) and companion [HB 129](#) passed third reading in their respective houses this week. The bills eliminate the sunset on the Maryland Adult External High School Program which is due to expire on July 1, 2006, and mandates an annual general fund appropriation for the program that is at least equal to the program’s fiscal 2006 general fund appropriation. To the extent available, federal funds for the program in an amount at least equal to the amount provided in fiscal

2006 must also be provided in the State budget each fiscal year.

Two bills that address the rising cost of tuition at Maryland public institutions of higher education were recently introduced. Both [SB 959](#) and [HB 1381](#) prohibit an increase in tuition by the University System of Maryland and Morgan State University for the school year 2006-2007. The bills, if passed, would be effective contingent on budget appropriations of \$18,898,865 to the University System of Maryland and \$823,257 to Morgan State University.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

A bill that exempts septic system users from the bay restoration fee created in 2004 and popularly known as the flush tax, [SB 174](#), has received an unfavorable committee report. Similar bills, [HB 276](#) and [HB 1321](#), remain in committee, as does [HB 235](#), which allows counties to decide whether or not to collect the fee.

FISCAL MATTERS

To lessen the burden of Maryland's estate tax, legislators have introduced a number of bills to effectively lower the tax by fully or partially recoupling the Maryland estate tax to the federal estate tax ([HB 138](#), [HB 154](#), [SB 224/HB 307](#), [HB 340](#), [SB 2/HB 1219](#), [SB 295/HB 1348](#)). The House bills have a hearing March 8 while the Senate bills had a hearing on February 15.

[HB 1345](#), a companion to [SB 850](#), dedicating a portion of sales tax revenues to funding mass transit, has a hearing scheduled for March 7. No hearing has been scheduled for the Senate bill.

HEALTH CARE AND HEALTH INSURANCE

A variety of health-related bills were heard in committee this week.

[SB 160](#) prohibits "human cloning" and establishes criminal and civil penalties for violators. Companion [HB 1462](#) will be heard next month.

[HB 608](#) allows health status ratings in the small group health insurance market. Companion [SB 325](#) had a hearing last week.

[SB 365/HB 394](#) phase in, by June 1, 2009, a prohibition that an individual may not be vaccinated or injected with a vaccine or any other product that contains mercury in any amount, including preservative-level or trace amounts.

House committees reviewed [HB 441](#) that creates the Healthy Maryland Initiative Fund, funded by an increase in the State tobacco tax. Monies from the fund are used to expand Medicaid coverage to parents, increase funding for tobacco cessation programs, and implement the new Small Business Health Care Incentive Program.

STATE GOVERNMENT

[HB 1054](#) regarding public financing for candidates of the General Assembly has been reintroduced this session. It would:

- establish a system of public financing of campaigns for candidates for the General Assembly;
- establish an Election Financing Commission to administer the systems of public funding of campaigns;
- provide for the membership of the Commission and specify its powers and duties;
- create the Public Election Fund and provide for the inclusion of money in the Fund; and
- specify the procedures, requirements, and conditions participating candidates must meet to receive a distribution from the Fund.

The Open Meetings Act as it pertains to administrative function and executive function is highlighted in two pieces of legislation this session. [SB 406/HB 772](#) repeal the defined term "executive function" under the act and replace it with the defined term "administrative function." The bills then provide that the Open Meetings Act applies to the consideration by a public body of a budget for the next fiscal year and makes additional rules for when a public body is carrying out an administrative function.

[SB 623/HB 698](#) require a public body, if it adjourns an open session to carry out an executive function in a meeting that is not open to the public, to include in its minutes for the next meeting a statement of the time, place, and purpose of the executive function session; and a list of the topics discussed, persons present, and each action during the session.

A Senate committee recommended that the salary for the Governor and Lieutenant Governor be frozen at current levels. [SJ 2](#), as introduced, would have increased the Governor's and Lieutenant Governor's salaries by \$5,000 per year for the 4-year term beginning January 2007. [HJ 1](#) has not been scheduled for a hearing.

[SB 181](#) which recommended increases in the salaries for the Attorney General, Comptroller, Secretary of State, and Treasurer for the next term of office received an unfavorable report in its committee. [HB 163](#), its companion, is still in committee.

TRANSPORTATION

Testimony was heard on [HB 1443](#). In order to comply with the federal Real ID Act, this legislation prohibits the Motor Vehicle Administration from issuing a new driver's license to an individual who cannot provide specified documentation certifying that the individual is lawfully present in the United States in accordance with federal law.

The William Preston Lane, Jr. Memorial Bridge (Chesapeake Bay Bridge) was originally constructed in 1952 and a parallel bridge was added in 1973. The bridge has recently undergone major reconstruction of the westbound span. Overweight vehicles add to the deterioration of the bridge. [SB 168](#), heard in committee, doubles the fine for certain overweight vehicles on the Chesapeake Bay Bridge from the standard overweight vehicle fine in effect on all highways.

The Task Force on Traffic Capacity Across the Chesapeake Bay identified four zones for a new bridge to cross the Chesapeake Bay including one location in Baltimore County. There is legislation opposing such a bridge in that location. [HB 1341](#), which has a hearing next month, repeals specified authority of the State Roads Commission to construct and finance a northern crossing of the Chesapeake Bay between Millers Island in Baltimore County and Kent County. The companion, [SB 864](#), is still in committee.