



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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## BILL INTRODUCTIONS

As of Friday, March 3, a total of 2,720 bills and 21 resolutions are before the 2006 General Assembly. Senate bills number 1,034 with 12 Senate Joint Resolutions. House bills under consideration number 1,686 with 9 House Joint Resolutions.

Under the Maryland Constitution, Monday, March 6, 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.

## COURTS AND CIVIL PROCEEDINGS

Due in part to a Maryland circuit court decision in January that declared the State’s historic definition of marriage unconstitutional (*Deane v. Conway*) and that was stayed pending appeal, a number of legislative proposals this session relate to same-sex marriage. [SB 973](#) and [HB 646](#) stay any final appellate decision affirming the *Deane v. Conway* decision until the conclusion of the first General Assembly session that occurs after the appellate court’s decision, but not beyond December 31, 2008.

[SB 976/HB 967](#) allow a Maryland appellate court to stay enforcement of any of its final appellate decisions that hold a State statute violates the Maryland Constitution or Declaration of Rights to enable the General Assembly to enact implementing or remedial legislation or propose a constitutional amendment. Proposed constitutional amendments on the issue include [SB 690](#), [SB 262](#), and [HB 1393](#) that provide that only a marriage between a man and a woman is a valid marriage in Maryland. [SB 262](#) also provides 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. Its companion bill, [HB 48](#), failed last month.

[SB 900](#) and [HB 1637](#) provide that the prohibition against sex discrimination in the Declaration of Rights may not be construed to allow a court to invalidate a law that defines marriage. Several of these proposals have had hearings, but none except [HB 48](#) has seen committee action.

## CRIMES, CORRECTIONS, AND PUBLIC SAFETY

[HB 60](#), now in the Senate, makes it a misdemeanor to surreptitiously take a picture of a person in a public place that reveals the person’s private area.

Prompted by recent organized protests at funerals for soldiers killed in the war in Iraq, [HB 850](#) makes it a misdemeanor to display an image that conveys fighting words against another near the entrance to a burial, funeral, funeral procession, or memorial service, or to knowingly restrict entry or exit from the event. The bill had a hearing last week.

Scheduled for hearings next week, [HB 152](#) and [HB 214](#) make it a felony to assault an on-duty law enforcement officer by use of bodily fluids. [HB 214](#) also expands the crime to cover such assaults on Division of Correction employees.

Pseudoephedrine and other “meth precursors,” contained in many over-the-counter cold medicines, can be converted to the cheap and highly addictive illegal drug methamphetamine, also called crystal meth. A number of bills have been introduced to address what many see as a crystal meth problem on the horizon. Bills awaiting committee action include:

- [SB 450](#), [SB 774](#), and [HB 1098](#), placing restrictions on the sales display and purchase of non-prescription pseudoephedrine or other meth precursor drugs. ([HB 41](#), companion to [SB 774](#), failed this week in committee);
- [HB 474](#), establishing additional penalties and liability for meth lab cleanup costs for persons convicted of manufacturing, distributing, possessing with the intent to distribute, or dispensing methamphetamine; and

- [HB 812](#), requiring the establishment of standards for the cleanup of methamphetamine labs.

The Senate passed [SB 259](#) to establish liability for the costs of cleanup or remediation of any illegal controlled dangerous substance laboratory. [SB 188](#) would have increased the penalty for use or possession of methamphetamine but failed a committee vote this week.

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## **ECONOMIC AND BUSINESS ISSUES**

With the termination of the Office of Cemetery Oversight scheduled to take effect in July 2007, measures have been introduced to better regulate the industry. [SB 387](#) passed a Senate floor vote this week. It extends the termination date to July 2012, and also makes changes to the Maryland Cemetery Act, most notably extending the applicability of a number of the Act's requirements to unregistered individuals and businesses without permits that are operating cemeteries or providing burial goods. [HB 720](#), heard in committee, makes specified requirements of State law governing cemeteries and the sale of burial goods and services applicable to any person subject to the registration and permit requirements of the law. It also requires an applicant for registration to be affiliated with a cemetery or burial goods business operated by a registrant or permit holder.

In an effort to bring high-speed Internet access to rural and underserved communities in Maryland, a committee heard [SB 753](#) that establishes a Rural Broadband Coordination Office in the Department of Business and Economic Development dedicated to encouraging the formation of rural broadband cooperatives. A companion measure, [HB 1156](#) is scheduled for a hearing next week.

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## **EDUCATION**

Heard recently were two bills that require screening public school students for signs of obesity. [SB 329](#) establishes a process to measure the body mass of public school students in the first, third, fifth, and eighth grades and to notify the parents of the results. [SB 457](#) requires local school systems to conduct a diabetes screening and calculate a body mass index for each student at the same time the required scoliosis screening is performed. The bill also limits the foods that local school systems may make available to students and requires schools and school systems to adopt standards and programs that promote good nutrition. Companion [HB 1418](#) is scheduled for a hearing later this month. In both bills

parents may choose to have their children exempted from the screenings.

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## **ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE**

Testimony has been heard on bills relating to methyl tertiary butyl ether (MTBE), the gasoline additive used to reduce emissions and pollutants now found in some groundwater. [HB 522](#) restricts the sale of gasoline containing more than .05% of MTBE by volume, as does [HB 360](#), which also requires the Department of the Environment (MDE) to study the effects of replacing MTBE with ethanol. [SB 416](#) changes the notification and cost reimbursement requirements associated with discovery of MTBE contamination in groundwater established by last year's legislation. Hearings are scheduled next week on the crossfiled [HB 1326](#), and on [HB 711](#), which requires the person responsible for the contamination to reimburse property owners notified of the contamination up to \$250 for testing their water.

Bills that exempt septic system users from the bay restoration fee created in 2004, popularly known as the flush tax ([SB 174](#) and [HB 276](#)), and a bill that allows counties to decide whether or not to collect the fee ([HB 235](#)) have received unfavorable committee reports. Testimony will be heard next week on [HB 1321](#), which exempts those septic systems that are consistently operated and maintained in accordance with State laws and regulation.

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## **FINANCIAL INSTITUTIONS AND COMMERCIAL LAW**

Bills to repeal the prohibition against retail service station dealers selling motor fuel below cost except under limited circumstances have received an unfavorable committee vote or been withdrawn ([SB 503](#), [SB 781](#), [HB 127](#)).

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## **FISCAL MATTERS**

The Senate committee has completed its hearings on the Budget Bill ([SB 110/HB 150](#)) and has started making its decisions concerning what reductions to make.

[SB 211/HB 68](#) limit to 5% the maximum assessment increase for owner-occupied real property for State and local government taxing purposes. The current limit is 10%. [HB 68](#) has received an unfavorable report from the

committee. [SB 211](#) had a hearing but no further action has been taken.

In order to provide medical care for indigent legal immigrant pregnant women and children, [HB 89](#) requires the Governor to include at least \$7 million for this purpose for fiscal 2008 and each subsequent year.

Heard in committee, [HB 444](#) alters the maximum reduction from 25% to 10% that the Governor can make to an appropriation in the State budget. The Governor must present proposed reductions to the General Assembly's budget committees at least one week before presenting the proposed reductions to the Board of Public Works for approval.

[HB 47](#), concerning eligibility for the homeowner's property tax credit, the "circuitbreaker," has received an unfavorable report from its committee.

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## GAMING, RACING, AND SPORTS

Companion bills that prohibit the hunting of black bears in Maryland were heard this week ([SB 663/HB 1157](#)). Hunting black bears in any part of the State would only be allowable in defense of a person, the person's property or domesticated animals on that property, or after exhausting all nonlethal methods of resolving chronic documented agricultural damage or depredation caused by the black bear.

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## HEALTH CARE AND HEALTH INSURANCE

The House passed an amended version of the Maryland Stem Cell Research Act of 2006 ([HB 1](#)). The Maryland Technology Development Corporation (TEDCO) will administer the fund established under the bill. Funding will be available to both adult and embryonic stem cell research with funding priority to research not likely to receive timely or sufficient federal funding. [HB 1](#) includes an annual appropriation of \$25 million beginning in fiscal 2008. Companion [SB 144](#) was reported to the Senate floor with amendments but recommitted to committee. The Governor's budget includes \$20 million to be allocated to TEDCO for fiscal 2007. [HB 136](#) that proposed funding for adult stem cell research received an unfavorable committee report.

Several bills are pending that address health care providers and insurers:

- [SB 448/HB 1169](#) specifies that a health insurer, nonprofit health service plan, HMO, or dental plan organization (carrier) may not prohibit the

assignment of benefits to a health care provider by an enrollee or refuse to directly reimburse a health care provider under a valid assignment of benefits;

- [SB 686/HB 1003](#) require health insurance carriers to ensure sufficient provider coverage in adult and pediatric specialties;
- [SB 636](#) prohibits health insurers from requiring a health care provider on its provider panel to undergo recredentialing because of a change in the provider's federal tax identification number or other specified changes. (Companion [HB 574](#) passed the House); and
- [SB 839/HB 896](#) change HMO reimbursement rates to noncontracting health care providers.

Reintroduced legislation to ban smoking in bars and restaurants met with committee disapproval ([HB 375](#)).

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## REAL PROPERTY, ESTATES, AND TRUSTS

The Senate passed [SB 235](#) to allow pet owners to set up a trust for their animals. The trust ensures that pets are taken care of once the owner is no longer able to do so. It enables owners to designate their pets as beneficiaries and would require that they are provided for according to the wishes of the deceased. Currently, an estate trustee is not legally bound to care for animals of the deceased, even when requested.

[SB 253](#) and [HB 298](#) require residential real estate contracts to contain a disclosure notifying the buyer that the property may be near a military installation and could be impacted by high noise levels resulting from flight operations, munitions testing, or military operations. The disclosure must also advise the buyer to contact the military installation's public affairs office for more information concerning the impact of local military noise on the property. Both bills have had hearings but no action has yet been taken.

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## STATE GOVERNMENT

A bill seeking an apology for slavery is being reintroduced this session. [HB 1049](#) requires the Governor of Maryland to apologize on behalf of the citizens of Maryland for the State's history of slavery.

Legislation has been introduced that addresses the issue of State contractors who discriminate against businesses. [SB 897/HB 1486](#) establish a "Commercial

Nondiscrimination Policy" under the State procurement law.

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## TRANSPORTATION

The reintroduction of a measure this session will address the challenges of traffic congestion on the William Preston Lane, Jr. Memorial Bridge (Chesapeake Bay Bridge). Heard in committee, [SB 511](#) requires the Maryland Transportation Authority (MdTA) to stop collecting tolls for the Chesapeake Bay Bridge if traffic approaching the bridge is so congested that eastbound vehicles are waiting 30 minutes or longer to cross the bridge. MdTA must resume collecting tolls when traffic congestion eases.

Also reintroduced this session, a bill that affects repeat DWI and DUI offenders was heard in committee this week. [HB 1415](#) requires imposing the mandatory criminal penalties currently required for subsequent offenses of driving while under the influence of alcohol. The law also applies to any subsequent alcohol- and drug-related driving offenses for which an alcohol abuse or drug abuse assessment is mandated, and for which participation in an alcohol or drug program may be required.

Testimony was heard regarding [HB 616](#), also reintroduced, that prohibits a person from conspiring to engage in illegal activity that involves reckless driving or that carries a possible imprisonment sentence, and recording that activity.

A bill introduced last week affects drivers of mobile homes. [HB 1585](#) exempts from specified driver licensing requirements an individual who is driving a specified motor home if the individual holds a valid Class C driver's license.

The Secretary of Transportation will conduct a study on the need and feasibility to extend the Green Line route of the Metrorail from Greenbelt Metrorail station to Baltimore Washington-International Thurgood Marshall Airport (BWI) under [SB 699](#), which was heard recently.

Legislation that would have required the Motor Vehicle Administration to refund a prorated amount of a vehicle registration fee for each full month remaining in the registration period on surrender of the registration card and registration plates failed in committee ([HB 284](#) and [HB 67](#)).