



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

Issue 06-11

March 20-25, 2006

(Click on Issue above for previous Wrap-Ups)

CROSSOVER DEADLINE

Both the Senate and House held double sessions (two in one day) this week to meet the Opposite Chamber Crossover Date deadline, the 76th day of session. In order to avoid referral to the respective Rules Committees, each chamber must send to the other chamber those bills it intends to pass favorably. This year the deadline falls on Monday, March 27.

COURTS AND CIVIL PROCEEDINGS

The Senate passed [SB 25](#) to require the Secretary of State to establish an Address Confidentiality Program (ACP) for domestic violence victims, allowing a certified ACP participant to request the use of a substitute address in an agency's response to requests for public records. The Secretary of State will also accept service of process and first-class, certified, and registered mail for the participant. The companion bill, [HB 1056](#), has passed the House.

The House approved a proposed constitutional amendment ([HB 84](#)) that would allow a party who did not request a review by a circuit court en banc, i.e. three judges of a circuit court, to appeal an adverse decision by the en banc court directly to the Court of Special Appeals. Currently such appeals are made to the Court of Appeals by petitioning for a writ of certiorari and the court may grant or deny the writ, at its discretion.

Legislation related to Maryland's children moved forward at the end of the week. The Senate approved the Child Welfare Accountability Act of 2006 ([SB 792](#)), and the House followed with a preliminary okay. The bill, as amended, is identical to the companion bill that the House passed earlier ([HB 799](#)). The legislation requires the development and implementation of an outcome-based system for measuring the efficiency and effectiveness of child welfare services and other enhancements.

Additionally, the Senate approved an amended [SB 822](#) that requires the Governor's Office for Children to develop a State resource plan for residential child care programs and includes strict and enhanced requirements for residential child care program operators that must be set out in a procurement contract for such services. The

companion bill, [HB 813](#), passed the House in a slightly different form earlier in March.

[SB 932/HB 1609](#) are waiting for committee action. The bills alter foster care payment rates to be an amount tied to an annual U.S. Department of Agriculture recommendation and require the Governor to gradually increase funding for the larger reimbursements starting in FY 2008, with 100% funding reached in FY 2011.

[HJ 9](#), defeated by a House committee, would have expressed support for a national memorial in Washington, D.C. honoring Dr. Martin Luther King, Jr.

CRIME, CORRECTIONS, AND PUBLIC SAFETY

Across the country, cases in which registered sex offenders have failed to update their addresses and have gone on to commit heinous sexual crimes have prompted lawmakers to examine ways of accounting for these offenders. This week, Maryland delegates passed an amended [HB 4](#) to provide for extended parole supervision for sexual offenders subject to State lifetime registration requirements. Other provisions incorporated in the omnibus bill:

- create the Sexual Offender Advisory Board that must report annually;
- expand community notification;
- require all registrants on the sex offender registry to provide a DNA sample;
- increase the minimum term and frequency of registration;
- elevate the crime of failing to register from a misdemeanor to a felony and increase maximum penalties;
- expand the list of offenses that trigger the requirement to register as a child sex offender;
- make it a misdemeanor for a sex offender registrant to enter on the property of a school or day care center without permission; and

- provide for a mandatory minimum nonsuspendable sentence for a person convicted of specified sexual offenses if the victim is under the age of 13. This provision absorbs a similar one in [HB 1401](#), also known as Jessica’s Law. Bills concerning sexual offender registration defeated at the committee level include [HB 181](#), [HB 241](#), and [HB 304](#).

The full House approved [HB 1161](#) to grant victims of a violent crime committed by a juvenile the right to file for leave to appeal from orders that may affect their rights. The companion bill, [SB 508](#), had a hearing last week.

With preliminary approval, the Senate advanced [SB 539](#) to expand the scope of current hate crime laws by adding crimes based on the homeless status of a person.

This week the House passed [HB 850](#) in response to recent contentious demonstrations at military funerals in other states and to a recent incident in Maryland. The bill makes it a misdemeanor to knowingly restrict entry to or exit from a funeral, burial, memorial service, or funeral procession, address a person attending the event in a manner likely to breach the peace, or picket attendees within 300 feet of the event.

Proposals related to public safety, specifically dangers from fire, are now in their opposite chambers:

- [HB 1300](#) establishes fire safety standards for cigarettes sold in Maryland after December 31, 2006. The new standards require cigarettes to have a greater capacity for self-extinguishment if left unattended; and
- [SB 562](#) authorizes a fire company to enter private property to obtain water to fight a fire or mitigate an emergency incident if there is no public water source available. The companion bill, [HB 1104](#), also received House endorsement.

Testimony was offered this week on [SB 921](#) that restricts the times and conditions under which a person may leave a dog outside and unattended by use of a restraint.

Legislation that received unfavorable committee votes recently would have:

- expanded the current witness intimidation law, including a hearsay exception, to include domestic violence crimes, child abuse, and certain sexual offenses ([SB 222](#); companion [HB 320](#) failed last week);
- required a custodial interrogation by law enforcement officers in cases involving a capital

offense to be electronically recorded unless there is a lack of proper equipment or time is of the essence ([HB 29](#));

- placed restrictions on the sales display and purchase of non-prescription pseudoephedrine or other meth precursor drugs ([SB 774](#); similar bill [SB 450](#) also failed);
- established the Crime Stoppers Trust Fund ([HB 895](#); companion bill [SB 878](#) remains in committee); and
- provided 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 ([HB 64](#); companion bill [SB 598](#) remains in committee).

ECONOMIC AND BUSINESS ISSUES

Due to concern by area communities and leaders regarding the safety of locating a liquefied natural gas (LNG) facility at sites near residential areas, a measure was heard this week that prohibits the Public Service Commission (PSC) from approving the construction or operation of a LNG facility located within two miles of any residence. [SB 997](#) also prohibits the construction of a LNG facility without approval of the PSC. The companion bill is [HB 1671](#). Similar measures heard this week ([SB 996/HB 1670](#)) apply specifically to Baltimore County.

A resolution that directs the Attorney General to participate in the proceedings regarding the merger of FPL Group, Inc. and Constellation Energy Group, Inc., which is the parent company of BGE, has passed the Senate. Under [SJ 11](#), the Attorney General’s goal is to protect the electric customer in merger proceedings on both the State and federal level. The companion measure, [HJ 8](#), was heard by a committee earlier this month.

EDUCATION

Recently defeated in committee, [HB 1303](#) would have established an Eagle Scout and Girl Scout Gold Award Recipient Scholarship Program, awarding \$2,000 for up to five years for up to 50 Eagle Scouts and 50 Girl Scout Gold Award recipients each year on a first-come, first-serve basis. Under current law, there are approximately 20 student financial aid programs administered by the State’s Office of Student Financial Assistance.

ELECTIONS AND ETHICS

With House approval, [HB 1368](#) is waiting for opposite chamber committee consideration. The bill addresses separate voting precincts at public or private higher education institutions, selection of early voting polling places, electronic poll books at polling places, and State reimbursement for 50% of county expenditures to implement early voting, including expenditures for electronic poll books.

The House voted late in the week to send [HB 1674](#) to the Senate. The measure restricts members of the Board of Regents of the University System of Maryland from engaging in certain fund-raising activities.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Moving to the opposite chamber this week, an amended [HB 558](#) expands qualifications for septic system users to be eligible for grants or loans through the Bay Restoration Funds and establishes the priority for eligibility.

[HB 1321](#), which exempts users of septic systems that are consistently operated and maintained in accordance with State law and regulations from paying the Bay Restoration fee, has been withdrawn.

Implementing the recommendations of the Agricultural Stewardship Commission and passing in the House, [HB 2](#) establishes programs meant to preserve farmland and farming in the State and to provide incentives to farmers that will help clean up Maryland's rivers and streams.

Advancing to the Senate, [HB 980](#), as modified, requires the Department of Natural Resources to prepare a fishery management plan for terrapins and adopt regulations consistent with the recommendations of the Maryland Diamondback Terrapin Task Force issued in 2001.

[SB 589/HB 1429](#), amended similarly in committee, establish a process for judicial review of final decisions of the Department of the Environment regarding issuance of certain permits. Additional amendments to [SB 589](#) include delay of the effective date until October 1, 2007. The Senate measure is moving toward floor passage, and the House bill has been approved by that body.

In Senate floor action, [SB 257](#) failed. As introduced, the bill would have prohibited the use of growth allocation for the development of property designated as a resource

conservation area and located adjacent to or within 1,000 feet of the waters of a major tidal tributary of a national wildlife refuge. However, with committee amendments the bill would have set criteria solely to be followed for the construction of a golf course near the Blackwater National Wildlife Refuge. A similar bill applicable only to Blackwater National Wildlife Refuge, [HB 1138](#), remains in committee, but its companion, [SB 100](#), has been withdrawn.

FISCAL MATTERS

The Budget Bill, [SB 110](#), is now in a conference committee charged to reconcile House and Senate differences. The House version with 137 amendments, reduces expenditures by \$222.2 million, excluding a \$889.1 million reduction from the State Reserve Fund, and is \$37 million under the Spending Affordability Committee limit. House amendments include:

- increasing State employee salaries by \$900 for those making \$45,000 or less and for those making over \$45,000, by the lesser of \$1,400 or 2% of the employee's salary. The Senate adopted a flat \$993 increase;
- eliminating \$6.5 million for the retroactive correctional officers pay increase, implementing the increase on April 15 rather than July 1 as adopted by the Senate or January 1 as proposed by the Governor;
- increasing the Stem Cell Research Fund from \$10 million to \$15 million. The Senate approved an appropriation of \$10 million; and
- restricting \$53.7 million in over-budgeted State employee health care allowance to fund future State employee and teacher retirement costs. The Senate restricted \$60.8 million for this purpose.

The Senate passed [SB 370](#), the "Maryland Consolidated Capital Bond Loan of 2006," authorizing \$708.9 million in borrowing as part of the State's \$1.6 billion capital budget program. Changes to the bill:

- increase public school construction funds to \$280.4 million from the originally proposed \$258.9 million. (Total State spending for school construction will be \$315.3 million including contingency funds and money from bond premiums);
- reduce funds for the Rural Legacy Program by \$5 million;

- add \$5.9 million for an addition to Van Munching Hall at the University of Maryland, College Park; and
- increase community college grant funds by \$2.2 million to \$41.6 million.

House legislation concerning the State's homeowner's property tax credit program, also known as the "circuit breaker" program, is in a Senate committee. An amended [HB 5](#) increases the maximum assessment valuation of the residence from \$150,000 to \$300,000, enhancing the tax benefit by providing that no tax is owed for the first \$8,000 of income up from the current \$4,000 of income, and providing a maximum income limitation of \$60,000.

Another House approved measure, [HB 197](#), addresses a property tax credit for firefighters, law enforcement officers, and public school teachers. The bill, as amended, permits a county or Baltimore City to provide a property tax break for these public servants who are first-time homebuyers. The amendments removed the State property tax exemption for this group.

A proposed income tax subtraction modification for military retirement income and for law enforcement or fire, rescue, or emergency services personnel is on the House floor. Proposed amendments to [HB 35](#) provide a modification for the first \$10,000 of military retirement income for an individual at least 55 years old, reduced if the income is over a certain amount; and for a modification of the first \$7,500 of income from employment as a law enforcement officer, or fire, rescue, or emergency services personnel for an individual at least 55 years old, reduced if the income is over a certain amount.

[SB 542](#), increasing the minimum Revenue Stabilization Account or Rainy Day Fund balance, has passed the General Assembly. Its companion bill, [HB 1331](#), has passed the House.

Recently heard, [HB 1001](#) requires the State Retirement and Pension System external managers to divest State pension funds from foreign companies with equity ties to the government of Sudan.

GAMING, RACING, AND SPORTS

[SB 735](#) was debated on the floor of the Senate this week and then recommitted to committee. The bill requires the Secretary of Health and Mental Hygiene to adopt regulations for "youth baseball" that designate the types

of approved baseball protective gear and equipment that are appropriate to each position.

Receiving an unfavorable committee vote, [HB 356](#), would have repealed provisions that prohibited thoroughbred racing in the State after 6:15 p.m. There has been no action on the companion measure, [SB 58](#).

HEALTH CARE AND HEALTH INSURANCE

Passing the Senate is a revised [SB 365](#) requiring, after January 1, 2008, an individual to be vaccinated with a vaccine that contains less than 1.25 micrograms of mercury per 0.5 milliliter dose unless a vaccine that meets this requirement is not readily available or appropriate.

The House passed its version of legislation ([HB 319](#)) establishing an advance directive registry in the Department of Health and Mental Hygiene (DHMH).

Now in the Senate, an amended version of [HB 681](#) creates the Maryland Commission for Men's Health within DHMH. A similar bill is pending on the Senate floor ([SB 824](#)).

Approved by the House, [HB 822](#) repeals the termination date for the Maryland Medbank program which assisted low-income individuals who lacked prescription drug coverage by accessing medically necessary prescription drugs through patient assistance programs sponsored by pharmaceutical drug manufacturers. The companion proposal, [SB 61](#), passed that body earlier.

Bills to expand health insurance coverage ([HB 1152](#) and [HB 1510](#)) met with committee disapproval. Legislation requiring a health club to obtain certification to operate an automated external defibrillator ([HB 211](#)) was withdrawn.

HUMAN RESOURCES

Reimbursement paid by the State to community developmental disability or mental health service providers for services to Medicaid recipients or persons who receive state-subsidized services must be adjusted annually for inflation under [SB 447](#). The measure, with Senate approval, establishes a 5% maximum on the annual rate of change. The companion bill, [HB 843](#), remains in a House committee.

REAL PROPERTY, ESTATES, AND TRUSTS

This session over 40 bills were before the General Assembly on eminent domain. As of late Friday, only two were moving. [HB 1203](#), was on the House floor with committee amendments and then sent back to committee. In floor action on the same day, the Senate agreed to recommit [SB 3](#) to committee as well. Both of these bills seek to establish requirements that must be met before a governing body may use condemnation of private property for economic purposes.

House committee members voted unfavorably on [HB 155](#) that would have provided 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.

Receiving preliminary approval on the Senate floor, [SB 253](#) requires 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. Committee amendments exempt seven counties from application of the bill and strike the requirement to advise the buyer to contact the military installation's public affairs office for more information. Recently, the House passed [HB 298](#) on the same subject that also strikes the provision to contact the installation's public affairs office for more information.

STATE GOVERNMENT

Late last week, [HB 1737](#), related to enhancing pension benefits for teachers and State employees, entered the legislative arena. As passed by the House this week, the benefit multiplier increases from 1.4% to 1.6% for service credit retroactive to July 1, 2002, and from 1.4% to 1.95% for all service credit earned after July 1, 2006. The employee and teacher contribution rate increases from the current rate of 2% to 5.5%; the contribution rate increase is phased in over three years for State employees only. The bill takes effect July 1, 2006, but the benefit enhancement takes effect July 1, 2007. The bill now allows employees of participating governmental units to opt in. [SB 1019](#), with differing provisions, is under consideration on the Senate floor.

Bills moving from the Senate to the House during the week include:

- [SB 1075](#) that requires a second-term Governor who carries over any principal department Secretary to reappoint that Secretary with the advice and consent of the Senate;
- [SJ 9](#) that requests the Governor annually to declare April 27 as Coretta Scott King Day;
- [SB 896](#) that establishes a Commission to identify and recommend an appropriate monument dedicated to women from Maryland who served in the uniformed forces of the United States. The companion bill, [HB 1070](#), is in a Senate committee; and
- [SB 406](#) that renames the executive function exclusion of the Open Meetings Act to be the administration function exclusion. The House bill, [HB 698](#), is waiting for a hearing in the Senate.

[HB 34](#) repeals the June 30, 2006, termination date for military administrative leave for regular employees in all branches of State government who were on active duty on July 1, 2003, or called to active duty on or after July 1, 2003. [SB 34](#) is in the House.

TRANSPORTATION

Amended to include exceptions and receiving House approval, [HB 616](#) has moved to a Senate committee. This legislation prohibits a person from engaging in an activity that is a violation of law involving the reckless driving of a motor vehicle or punishable by a sentence of imprisonment and to film or otherwise record that activity.

The Senate gave a green light to [SB 53](#) that, as amended, requires the Motor Vehicle Administration to require a person to participate in the ignition interlock system program for a one-year period if the person refused to take a test to determine the alcohol concentration or if a test to determine alcohol concentration indicates a blood alcohol content (BAC) of .15 or higher. In addition, the bill establishes procedures for a police officer to follow when handling a person who refuses to take the test or takes a test that indicates a BAC of .15 or higher.

Bill status is current as of 5:30 PM on 3/25/06.