



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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PRESENTMENT AND ENACTMENT

Bills that pass both chambers of the legislature in regular or special sessions must be presented to the Governor no later than 20 days after adjournment. The Governor has a limited amount of time to sign or veto a bill after it is presented. If the Governor does not act within that time, the bill becomes law automatically; there is no “pocket veto” in Maryland.

The time limit differs depending on when the presentment is made. If a bill is presented to the Governor in the first 83 days of the session, the Governor has only six days (not including Sunday) to act before the bill automatically becomes law. Any bill presented in the last seven days of the 90-day session or after adjournment must be acted on within 30 days of presentment.

A bill enacted over a veto, or a bill becoming law as a result of the Governor's failure to act within the prescribed time, takes effect 30 days after the veto is overridden or on the date specified in the bill, whichever is later. An emergency bill passed over the Governor's veto, however, takes effect immediately. As of midnight, March 28, since the Governor did not sign the emergency bill, [SB 366](#), it became law without the Governor's signature and is designated as Chapter 18, Acts of 2006. (Chapters 1-17, Acts of 2006 resulted from legislative veto overrides early in the session.) The new law prohibits the closing of certain MARC train stations before a certain date and requires a review and report to the Governor and the legislature before any closings.

VETO OVERRIDES

The General Assembly may override a gubernatorial veto with a vote of three-fifths of the members of each chamber. However, when a new General Assembly is elected and sworn, bills vetoed from the previous session are not returned and are not subject to any further legislative action. Therefore, legislative action to override vetoed bills from the 2006 session may take place only on those bills that are presented to the Governor by the 83rd day or April 3, 2006, thus giving

the Governor six days to sign or veto legislation before the legislation becomes law without his signature.

COURTS AND CIVIL PROCEEDINGS

Early this month, the Maryland Court of Appeals adopted a new rule, effective July 1, that denies remote electronic access by the public to the portions of court records that include the address, telephone number, date of birth, e-mail address, and place of employment of a victim or witness in a criminal, juvenile, domestic violence, or peace order proceeding. The House passed [HB 323](#) that adds the name and identity of the victim or witness to the list of information to which access must be denied. All other legislation concerning remote access to court records ([SB 232](#) and [SB 162/HB 632](#)) has stalled.

Now in the Senate, an amended [HB 700](#) authorizes the court to appoint a lawyer to represent a child in custody, visitation, or support cases, called a “*guardian ad litem*,” who must exercise ordinary care and diligence in representing the child. Provisions giving such lawyers immunity from malpractice claims were stripped from the bill.

Victims of child sexual abuse who are 25 or younger on October 1, 2006, have until they reach the age of 42 to file a civil action against their abusers under [HB 1148](#), which reached the Senate this week. Current law allows only those 25 or younger to sue. [HB 1147](#), which would have opened a two-year window, starting October 2, 2006, during which child abuse victims of any age could file suit, was withdrawn.

Bills that would have required an employer to pay an employee for time away from work because of jury duty and not penalize that employee for the time not on the job ([SB 733/HB 1343](#)) were withdrawn.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

The General Assembly passed [SB 562](#) that 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.

An assault on an on-duty law enforcement officer is a felony. The House approved legislation that adds assault by use of bodily fluids to the scope of this crime ([HB 152](#)) and adds correctional officers to those protected under the criminal provisions ([HB 214](#)).

Legislation that failed this week includes:

- [SB 539](#) that would have added crimes based on the homeless status of a person to current hate crime laws and established a Task Force to Identify Hate Crime Victims;
- [HB 1363](#) that would have provided for automatic expungement of police records for persons arrested and released without being charged; police and court records for persons whose charges result in actions that effectively dismiss the charges, such as acquittal, probation before judgment, or nolle prosequi; and some records relating to criminal charges transferred to the juvenile court; and
- [SB 592](#) and [HB 877](#) that would have repealed prohibitions against suspending a minimum sentence for repeat offenders of certain controlled dangerous substance crimes and granting parole for such persons who are serving the minimum sentence.

ECONOMIC AND BUSINESS ISSUES

With less than two weeks remaining in the 2006 session, consideration of legislation to address the crisis resulting from the impending 72% electric rate increase for residential customers of Baltimore Gas & Electric (BGE) is on a fast track. On its way to the Governor's desk, [HB 1713](#), as approved by both chambers, provides that the Public Service Commission (PSC) review requirements related to electric or gas company acquisitions and mergers are to apply to a public service company that operates in the State. Current law only applies to a company incorporated in the State. The bill also establishes an Office of Special Counsel to investigate the proposed merger between Florida Power & Light Group, Inc. (FPL) and Constellation Energy Group, Inc. and the General Assembly reserves the right to approve or disapprove the merger through the enactment of legislation based on the recommendation of the special counsel. Unless the General Assembly fails to act by the end of the 2007 legislative session, the PSC may not act to approve or disapprove the merger before April 10, 2007.

Another measure, [SB 1099](#), has also passed the General Assembly. It requires Constellation Energy to return to

BGE \$528 million in transition costs recovered during electricity deregulation to reduce the expected rate increase or else a merger between FPL and Constellation may not occur, and BGE may not increase electricity rates for residential customers in its service area.

A third passed measure addresses the PSC itself, an independent unit of the Executive Branch, with a mission to promote adequate, safe, reliable, and economic delivery of services to Maryland consumers by public service companies. Currently, commissioners of the PSC are appointed by the Governor with the advice and consent of the Senate. Approved by the General Assembly as an emergency bill, [SB 1102](#) mandates that two commissioners be appointed by the President of the Senate, two be appointed by the Speaker of the House, and one be appointed by the Governor; the commissioners themselves will elect the chairman.

Also in the pipeline are measures that encourage local governments to join together in an effort to negotiate cheaper rates through aggregation:

- [SJ 10](#) urges the PSC in consultation with the Maryland Municipal League and other interested local governments, to proceed with the design and approval of a competitive pilot program for opt-out residential aggregation; and
- [HB 1731](#) directs the PSC to establish standards and procedures for county or municipal corporations to act as aggregators that purchase electricity on behalf of residential customers.

Legislation to regulate the scope and activities of the cemetery industry passed in their respective chambers. [SB 387](#) extends the termination date of the Office of Cemetery Oversight to July 2012, and makes changes to the Maryland Cemetery Act that better reflect industry activities. [HB 720](#) makes certain 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.

As amended and passed by the House, [HB 1156](#) establishes a Maryland Rural Broadband Coordination Board to assist in bringing high-speed Internet access to rural and underserved areas of the State. The Senate measure is progressing on that chamber's floor ([SB 753](#)).

Responding to a recent U.S. Supreme Court decision and a U.S. District Court suit, the Senate passed an emergency bill to bring Maryland law in compliance with federal interstate commerce provisions related to discriminatory treatment between in-state and out-of-

state wineries. Currently, Maryland wineries can distribute their products without going through a wholesaler, but out-of-state wineries cannot. [SB 812](#) allows Maryland small wineries to retain their ability to sell directly to restaurants, retailers, and permit holders which they have had since 1951, while allowing out-of-state small wineries to do the same.

EDUCATION

Both [HB 1418](#) and the companion bill, [SB 457](#), passed their respective houses. The bills originally required school systems to conduct diabetes screening and calculate body mass index for students. [HB 1418](#) was amended to eliminate that requirement and instead establish a Maryland Obesity Awareness and Prevention Blue Ribbon Panel to develop recommendations for a Maryland Obesity Action Plan to enhance obesity awareness and prevention among parents and students. [SB 457](#) added the same Blue Ribbon Panel and modified the diabetes and body mass index screening requirement into a pilot program for up to 15 middle schools in Prince George's County to explore the use of body mass index measurements. It also prohibits school vending machine sales of minimally nutritional foods between 12:01 a.m. and the end of the school day.

Successful legislation ([SB 959](#) and [HB 1381](#)) freezing higher education tuition rates are ready for gubernatorial consideration. The bills prohibit University System of Maryland institutions and Morgan State University from increasing resident undergraduate tuition for the 2006-2007 academic year, and limit fall 2006 resident tuition increases at St. Mary's College to 4.8%. In addition, the bill creates a Commission to Develop the Maryland Model for Funding Higher Education and requires review of funding for the State's Historically Black Institutions.

ELECTIONS AND ETHICS

Two bills are ready for presentment to the Governor. One restricts fund-raising activities of members of the Board of Regents of the University System of Maryland ([HB 1674](#)); the other, as resolved by a conference committee, [HB 1368](#), or the Voter Bill of Rights, addresses separate voting precincts at public or private higher education institutions, selection of early voting polling places, electronic poll books at polling places, State funding for expenses related to early voting, as well as addresses the powers and duties of election boards, local election directors, the State administrator, and State Board of Elections. The Voter Bill of Rights,

originating in the Senate ([SB 712](#)), is in a House committee.

Just moving toward passage in its original chamber, [HB 1054](#) provides public financing of campaigns for candidates seeking election to the General Assembly.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

The Healthy Air Act bill, [SB 154](#), has passed both chambers. Among the amendments to date are changes to the emission limits and compliance dates, elimination of a Maryland Carbon Reduction Fund, and a requirement for a study of the State's participation in the Regional Greenhouse Gas Initiative.

Measures addressing water pollution that have moved to the opposite chamber include [HB 1588](#), which sets limits for phosphorus and nitrogen discharged from wastewater treatment plants in the Patuxent River Watershed. Amendments include requiring a review and a report by the Department of the Environment on the progress of upgrades for those wastewater treatment plants. Also in the opposite chamber are [SB 346/HB 1238](#) that change the recycled content reporting period for newspapers distributed in the State.

Testimony was heard this week on [HB 711](#) that requires a person responsible for contaminating groundwater with gasoline additives to reimburse affected property owners up to \$250 for testing. Committee amendment limits that to one test per each notification of possible contamination.

FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

A number of bills were introduced this session in response to identity theft concerns. A Senate committee reviewed [HB 1202](#), authorizing a consumer, with specified exceptions, to place a security freeze on the individual's consumer report by written request sent by certified mail, telephone, or electronic mail or on the web site of the consumer reporting agency.

FISCAL MATTERS

Prior to the 83rd day (April 3) passage deadline imposed by the Maryland Constitution, the General Assembly approved the \$29.4 billion Budget Bill, [SB 110](#), reducing appropriations by \$197 million, excluding \$840 million in reductions which retain funds either in the

Rainy Day Fund or as part of the general fund balance. Major changes to the bill include:

- State employees with a salary of \$45,000 or less receive a pay increase of \$900 while those making more than that receive an increase of the lesser of \$1,400 or 2% of their salary;
- correctional officers receive a salary increase on April 12;
- the Stem Cell Research Fund receives \$15 million, \$5 million below the Governor's allowance of \$20 million; and
- the over-budgeted State employee health care allowance is restricted \$53.7 million to fund future State employee and teacher retirement costs.

Late last week, the Governor submitted a second supplemental budget with \$13.4 million for the costs of early voting and \$28.6 million for the costs of an optical scan voting system for use in the upcoming fall elections. The General Assembly amended the latter figure by making \$20 million contingent upon the enactment of pending legislation that would provide for machines with a paper trail ([SB 713/HB 244](#)).

The General Assembly also passed the capital budget bill, [SB 370](#), the "Maryland Consolidated Capital Bond Loan of 2006," authorizing \$690 million in borrowing as part of the State's \$1.6 billion capital budget program. Among the highlights of the capital program are:

- public school construction receives \$284.7 million in the bill and \$322.7 million in total including money from the contingency fund and from bond premiums;
- State universities and colleges receive \$169.7 million and community colleges receive \$55.6 million including \$11.8 million for Montgomery College – Takoma Park; and
- environmental programs receive \$42.8 million in the bill, including \$5 million for the Community Parks and Playgrounds Program and \$15.8 million to improve the water quality for the Chesapeake Bay by removing nutrients.

[HB 1331](#), increasing the minimum balance of the State's Rainy Day Fund (Revenue Stabilization Account), joins its companion bill, [SB 542](#), in passing the full General Assembly.

The "Retired Military and Senior Citizen Tax Reduction Act of 2006" ([SB 22](#)), passed the Senate with

amendments and is now in a House committee. As amended, the bill allows a subtraction modification of \$2,500 for military retirement income for retirees under 60 and \$5,000 for those 60 or older. The bill also increases to \$2,400 from \$1,000, the exemption provided to individuals 65 or older or to blind individuals. The Senate also passed [HB 35](#) that addressed military exemptions, as well as those for law enforcement, fire, rescue, and emergency services personnel, but as amended is now identical to [SB 22](#).

With legislative approval, gubernatorial consideration is the next step for [HB 5](#), concerning the homeowner's property tax credit program also known as the "circuit breaker" program. Also related to the circuit breaker program, [HB 717](#), which has House approval, makes individuals with disabilities whose homes are owned by a housing trust eligible for the property tax credit.

GAMING, RACING, AND SPORTS

The General Assembly passed [SB 521](#) that prohibits a person from shooting at or killing a bird or animal in the State with a gun or device operated via an Internet connection. Someone who violates this section is guilty of a misdemeanor and subject to a fine not exceeding \$10,000 or imprisonment not exceeding one year or both. The House agreed unanimously to pass [HB 968](#) with the same provisions.

HEALTH CARE AND HEALTH INSURANCE

The Governor has indicated that he will sign [SB 144](#) that creates a Maryland Stem Cell Research Fund to promote State-funded stem cell research and cures through grants and loans to public and private entities in Maryland. The passed measure establishes an independent Stem Cell Research Commission under the Maryland Technology Development Corporation (TEDCO) and an independent scientific peer review committee to evaluate stem cell research proposals for the commission.

An applicant for State-funded stem cell research must first obtain an institutional review board's approval before receiving funding. The measure also provides that annually, beginning in fiscal 2008, the Governor may include in the Budget Bill an appropriation to the stem cell research fund. In the recently adopted fiscal 2007 budget, the Governor's original \$20 million appropriation was reduced to \$15 million.

The Senate rejected on third reading legislation ([SB 297](#)) to authorize licensed pharmacists to dispense emergency

contraception without a prescription. Committees in both chambers rejected [SB 535/HB 966](#), requiring each hospital or nursing facility in the State to establish a health care-associated infections prevention and control program.

REAL PROPERTY, ESTATES, AND TRUSTS

[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. Adopted committee amendments exempt seven counties from application of the bill. It is now in the opposite house and is scheduled for a hearing next week. The House passed its version of the bill in [HB 298](#) but has no hearing scheduled in the Senate. Both chambers agreed to strike the requirement to advise the buyer to contact the military installation's public affairs office for more information.

STATE GOVERNMENT

On their way to the Governor's desk, as passed, [SB 430](#) and [HB 156](#) require the State employee and retiree health and welfare benefits program to provide for fiscal 2007 a voluntary mail order option to enrollees who may only be charged a co-payment not exceeding \$20 for each 90-day prescription. Current law, applicable to the 2006 and 2007 fiscal years, allows a mail order option, but for less days and more money. A recent analysis assumes that any increase in mail-order utilization would reduce State plan prescription drug expenditures due to lower overhead costs and tighter formulary management, but concludes there is insufficient data at this time to estimate reliably any savings.

House floor action on Friday resulted in final passage of legislation 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 ([SB 1075](#)).

TRANSPORTATION

Moving from the House to the Senate, [HB 525](#) makes several changes relating to administrative offenses (i.e., refusing to take a test or failing a test for alcohol), including doubling the administrative penalties for drivers who take a test indicating an alcohol concentration of 0.15 or more and making the

suspension mandatory unless the driver participates in the Ignition Interlock System Program (Interlock Program) of the Motor Vehicle Administration (MVA). A similar bill requiring a person to participate in the Ignition Interlock System if the blood alcohol level is .15 or higher, [SB 53](#), has moved through committee this week in the House. Other bills dealing with the Ignition Interlock System, [HB 124](#), [HB 126](#), [HB 545](#), [SB 718](#), and [SB 719](#), have been withdrawn.

Receiving a favorable vote by a House committee, [SB 757](#) authorizes the MVA to revoke or suspend the driver's license of an individual convicted of knowingly and willfully furnishing alcohol to an individual under 21 or knowingly and willfully allowing the possession or consumption of an alcoholic beverage by an individual younger than 21 at the person's residence.

Having passed both chambers, [SB 168](#) now moves to the Governor's office. The bill establishes fines for specified vehicle weight limit violations on the William Preston Lane, Jr. Memorial (Chesapeake Bay) Bridge. The crossfiled bill, [HB 1559](#), remains in committee in the Senate.

Bill status is current as of 5:00 PM 3/31/06.