



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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## **SINE DIE**

The last actions of the 2006 regular session must take place by midnight April 10, when the General Assembly will adjourn *sine die*. To date, the bill count stands at 1,107 for the Senate and 1,749 for the House of Delegates.

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## **BILL SIGNING**

The Governor signed fifteen bills into law on Thursday, April 6. Among the enacted measures are several bills that gathered a lot of attention from the public and the media, i.e. the Maryland Stem Cell Research Act of 2006 ([SB 144](#)/Ch. 19, Acts of 2006) and the Healthy Air Act ([SB 154](#)/Ch. 23, Acts of 2006), both of which take effect July 1, 2006.

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## **COURTS AND CIVIL PROCEEDINGS**

Now under House committee consideration, [SB 324](#) establishes a new procedure for the nonpartisan nomination and election of circuit court judges under which registered voters, whether or not affiliated with a major political party, are able to vote in primary elections for judicial candidates. Those candidates, equal in number to twice the number of offices to be filled, who receive the largest number of votes in the primary election will be the nominated candidates who appear on the ballot in the general election. The practice of nomination by petition is repealed. The nominees, equal in number to the number of judgeships to be filled, who receive the largest number of votes in the general election win office.

As approved by the General Assembly, [HB 700](#) authorizes the court to appoint a lawyer to represent a child in custody, visitation, or support cases, but does not give the lawyers immunity from malpractice claims. The Senate bill ([SB 664](#)) with the same provisions is moving toward final passage as well.

Legislation that failed this week includes:

- [SB 150](#) that would have created a Task Force to Study Gambling Treatment Programs in circuit courts and the District Court that use specialized

dockets to divert those who commit nonviolent crimes to support their habits; and

- [HB 1609](#) that would have increased foster care payment rates.

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## **CRIMES, CORRECTIONS, AND PUBLIC SAFETY**

Following Senate approval, a House committee heard testimony 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.

Felony crimes involving trafficking of persons and involuntary servitude are established under the provisions of [SB 630](#), passed by the Senate this week.

The Senate and House each passed a different version of legislation addressing recovery of the costs of cleaning up or remediating laboratories used for the illegal manufacture of a controlled dangerous substance from those guilty of manufacturing, distributing, possessing with intent to distribute, or dispensing the controlled dangerous substance. The bills, [SB 259](#) and [HB 474](#), will require compromise for passage.

Legislation failed that would have allowed the admission of evidence of a defendant's prior conviction of sexual misconduct involving a minor in a trial of a defendant accused of sexual misconduct involving a minor if certain conditions are met ([SB 159](#)/[HB 541](#)).

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## **ECONOMIC AND BUSINESS ISSUES**

Legislation that seeks to increase small business participation in State procurement is making its way toward passage. [HB 169](#) has passed the legislature; [SB 391](#) is on second reading. The bills allow the use of individual surety bonds under certain circumstances, rather than those issued by an insurance company or other established financial company, to fulfill requirements for bid and performance security associated with State procurements. The bills also increase the maximum value of surety bonds that the Maryland Small Business Development Financing Authority may issue from \$1 million to \$5 million. A

surety bond is a three-way contract between the State, a contractor, and a surety. The bond requires the surety to cover losses incurred by the State if the contractor defaults or cannot complete a project as promised. Contractors purchase surety bonds in part to demonstrate that they are legitimate businesses providing reliable services.

Still pending on Friday, [SB 897](#) establishes a commercial nondiscrimination policy by prohibiting the State from entering into a procurement contract with a business entity that has discriminated against subcontractors, suppliers, vendors, or commercial customers on the basis of race, color, religion, ancestry, or national origin, sex, age, marital status, sexual orientation, or disability. The bill also establishes a process to adjudicate complaints of discrimination and provides for penalties. The House bill, [HB 1486](#), is moving toward approval in that chamber.

[HB 869](#) (passed) extends the State's Minority Business Enterprise (MBE) program by five years, until July 1, 2011. The Senate companion bill, [SB 884](#), remains in a House committee.

A proposal that would have established application and licensing procedures, including criminal background checks and photo identification for locksmiths, was defeated by a House committee ([HB 667](#)).

[SB 703](#), recently defeated by a Senate committee, would have authorized the Maryland Automobile Insurance Fund to provide for the financing of insurance premiums on an installment basis.

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## EDUCATION

Passing both Houses and awaiting the Governor's consideration, [HB 1215](#) mandates that the State Board of Education and the State Superintendent may not impose a major restructuring of a governance arrangement of a public school system in the Baltimore City public school system or remove a public school from the direct control of the City board of education. The bill is effective for one year and puts a moratorium on a recent State Board of Education vote to order new management for 11 Baltimore schools. Another provision increases the maximum aggregate principal amount of bonds that the Baltimore City Board of School Commissioners may issue from \$75 million to \$100 million.

Both [SB 373](#) and the companion measure, [HB 129](#), passed. The bills eliminate the sunset on the Maryland Adult External High School Program and mandate 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. The Adult External High School Program has been in existence since 1978 and has enabled 13,435 adults in Maryland to earn high school diplomas.

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## ELECTIONS AND ETHICS

The House sent the Senate [HB 1054](#) that establishes a system of public financing of campaigns for candidates for the General Assembly. However, the Senate measure, [SB 569](#), was returned from the Senate floor to its original committee, effectively ending chances for passage. Still pending are other proposals, [SB 713](#) and [HB 244](#), that address voter-verified paper records for use in the upcoming fall elections.

Unsuccessful legislation would have delayed, until January 2008, implementation of a five-day early voting period before primary and general elections ([SB 942/HB 1580](#)). Also unsuccessful were bills that would have expanded the rights of convicted criminals to register to vote ([HB 157](#) and [HB 603](#)).

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## ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

The Agricultural Stewardship Act [HB 2](#), has been amended in the opposite chamber to add the Next Generation Farmland Acquisition Program to the eligible funded programs, increase some funding levels, decrease from 60% to 40% the amount of funds from the Bay Restoration Fund that may be used for failed septic systems, and increase from 40% to 60% the amount of those that may be used for cover crop activities. [SB 5](#) as amended lacks those provisions.

[SB 379](#) and [HB 1588](#) with Senate approval were amended by the Senate to be identical. The measures allow for the phased-in use, beginning in 2012, of Bay Restoration Funds, if they are available, by nonfederal, publicly owned wastewater treatment plants that discharge into the Patuxent River or its tributaries to upgrade to enhanced nutrient removal as defined in Section 9-1601 of the Environment Article of the Annotated Code of Maryland.

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## FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

Emergency legislation ([SB 1093](#)), receiving final legislative approval, prohibits a banking institution or an out-of-state bank from establishing a branch on the premises of an affiliate business that engages in commercial activities such as retail stores.

A Senate committee rejected legislation ([HB 1202](#)) authorizing a consumer to place a security freeze on the individual's consumer report.

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## FISCAL MATTERS

The two military retiree pension bills are moving. [HB 35](#) is in conference committee, while [SB 22](#) passed the House with amendments.

[HB 89](#), requiring a minimum funding level of \$3 million starting in fiscal 2008 for health care services for legal immigrant children and pregnant women who meet certain requirements, is on the Senate floor with second reading agreement.

[HB 1345](#) requires the Maryland Department of Transportation to study the State's transit operating and capital needs for the next 20 years. A Senate committee has not acted on the measure to date.

[SB 853/HB 1262](#), altering the calculation and eligibility requirements of the municipal supplement to the Homeowners' Property Tax Credit Program (Circuit Breaker), have each passed their respective houses and are on the opposite side. The House is moving the Senate measure.

All of the bills failed that would have either enhanced solar energy grants ([HB 233](#), [SB 231/HB 317](#), [SB 469/HB 418](#), [SB 525/HB 650](#), [SB 69](#)) or established a solar energy tax credit ([HB 810](#)).

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## GAMING, RACING, AND SPORTS

Ready for executive perusal, [SB 48](#) and the companion bill, [HB 158](#), authorize prize winners of the State lottery to assign voluntarily all or part of the prizes that are paid in installments provided certain conditions are met. Currently, lottery prizes are not assignable except to pay a delinquent child support obligation or to pay overdue restitution as part of criminal proceedings. Also current law allows payments to the estate of a deceased prize winner or payments when a court is disposing of the lottery prize as a remedy.

Signed by the Governor this week, [SB 521](#) (Ch. 29, Acts of 2006) prohibits a person from shooting at or killing a bird or animal in the State with a gun or other device operated via an Internet connection. A person who violates this provision is guilty of a misdemeanor and on conviction subject to a fine not exceeding \$1,000 or imprisonment not exceeding one year or both. In addition, hunting privileges or the hunting license of a person convicted shall be revoked for at least two but not more than five years.

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## STATE GOVERNMENT

This week the Governor also signed [SB 430](#) (Ch. 28, Acts of 2006) that requires the State Employee and Retiree Health and Welfare Benefits Program to offer a voluntary mail-order option for prescription drugs, under which the maximum copayment for each 90-day prescription may not exceed \$20. The bill takes effect July 1, 2006 and will be in effect through fiscal 2007. [HB 156](#) (passed) has the same provisions.

[SB 431/HB 1125](#) (both passed) establish a Blue Ribbon Commission to Study Retiree Health Care Funding Options.

Agreement has not been reached on efforts to provide a pension enhancement for members of the Teachers' Pension System and the Employees' Pension System. [SB 1019](#) and [HB 1737](#) are the proposals involved in seeking a resolution between the different approaches of the two chambers. Conference committees are meeting.

The legislature gave final approval to [HB 698](#) that makes adjustments in the Open Meetings Act. The bill repeals the defined term "executive function" under the Act and replaces it with the defined term "administrative function." Additionally, if a public body recesses an open session to carry out an administrative function in a meeting that is not open to the public, the minutes for the next meeting must include: (1) a statement of the date, time, place, and persons present at the administrative function meeting; and (2) a phrase or sentence identifying the subject matter discussed at that meeting. [SB 406](#) on the same subject is still alive.

[HB 34](#) (passed) repeals the termination date for the use of military administrative leave or paid leave for State employees who are on active military duty on July 1, 2003, or are activated for military duty on or after July 1, 2003.

*Bill status is current as of 3:00 p.m. on 4/7/06.*