



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

Issue 06-14

April 2006 – *Sine Die*

## 2006 SESSION STATISTICS

During the 2006 session, members of the House of Delegates introduced 1,749 bills and Senators introduced 1,107 bills for a total of 2,856. Twenty-six joint resolutions were also considered.

By midnight on *sine die*, April 10, the General Assembly had passed 823 bills and five joint resolutions. Of the passed legislation, 489 were from the House and 334 were from the Senate. Two Senate joint resolutions and three House joint resolutions were successful.

At the bill ceremony on April 11, the Governor signed 47 measures. The new laws include a number of local enactments and others regarding waivers for elderly or disabled property owners related to agricultural use of property and changes in property tax credits and State exemptions for damaged or destroyed properties. Each bill is given a chapter number in the order in which each is signed to denote that the bill is a part of the General Assembly's Acts of 2006.

Additional bill signings are scheduled for April 25, May 2, and May 16. The signing ceremonies take place in the State House beginning at 10 a.m. Because 2006 is the last year of the four-year term, the 2007 legislature, when it convenes next January, may not override vetoed bills passed in the 2006 session.

## 2006 LEGISLATIVE VETO OVERRIDES

In the first weeks of the 2006 session, the General Assembly voted to override gubernatorial vetoes of 17 bills passed by the 2005 legislature:

- The Fair Share Health Care Fund Act, also known as the Wal-Mart bill, imposes an assessment on employers with 10,000 or more employees based on the provision of health insurance coverage ([SB 790/Ch. 1](#) and [HB 1284/Ch. 3](#), both effective January 1, 2007).
- A minimum wage increase requires employers to pay the greater of the federal minimum wage or a wage that equals a rate of \$6.15 per hour to employees subject to federal or State minimum wage requirements ([HB 391/Ch. 2](#)).

- New election law procedures address counting provisional ballots by local boards of election and establishing a challenged voter's identity ([SB 287/Ch. 4](#)).
- A five-day early voting period is required prior to a general or primary election ([SB 478/Ch. 5](#)).
- Eligibility requirements are eliminated for absentee voting, allowing any individual to vote using an absentee ballot unless prohibited by federal law ([HB 622/Ch. 6](#)).
- New requirements for the Department of Juvenile Services include promotion of predelinquent programs ([SB 468/Ch. 7](#) and [HB 405/Ch. 8](#)), as well as mandatory timelines requiring the department to appear in court to explain why a child remains in a juvenile detention facility "pending placement" ([HB 979/Ch. 11](#));
- The duties of the Office of the Independent Juvenile Justice Monitor are transferred to the Office of the Attorney General to investigate whether the needs of the children under the Department of Juvenile Services jurisdiction are being met ([HB 1342/Ch. 12](#)).
- Changes in the membership and duties of the Maryland Commission for Women are made ([SB 257/Ch. 9](#)).
- Guidelines for access to the confidential records of children by the Baltimore City Health Department are implemented ([HB 900/Ch. 10](#)).
- Use of surveillance systems to enforce laws related to illegal dumping in Baltimore City will be allowed ([SB 312/Ch. 13](#) and [HB 111/Ch. 16](#)).
- A commission to study transportation issues in Southern Maryland is to report to the Governor and the General Assembly by November 1, 2006 ([SB 281/Ch. 14](#)).
- Speed monitoring systems may be placed on certain highways in Montgomery County ([HB 443/Ch. 15](#)).

- A person asserting that a motor vehicle is uninsured in a civil action has the burden to prove the uninsured status of the vehicle ([HB 1162/Ch. 17](#)).

In the last days of the 2006 session, the General Assembly cancelled the Governor's veto of four additional bills. The legislation enacted over the vetoes relates to:

- early voting polling places and other changes in the State's election laws ([HB 1368/Ch. 61](#));
- restrictions on fund raising by members of the Board of Regents ([HB 1674/Ch. 60](#));
- retraction of the State take-over of 11 Baltimore City schools ([HB 1215/Ch. 59](#)); and
- revisions in collective bargaining procedures related to State personnel ([SB 348/Ch. 62](#)).

---

## COURTS AND CIVIL PROCEEDINGS

### *Courts*

The General Assembly approved [SB 796/HB 1024](#) (both passed) that generally revise, with some substantive changes, the current jury selection and service laws. Altered provisions include those for disqualification for jury service because of criminal history, military service exemption, donation of juror pay, and access to information about prospective jurors. The bills also provide for electronic jury summons and substantially increase penalties for failure to return a jury qualification form or failing to appear for or complete jury service.

[HB 84](#) (passed) proposes to amend the Maryland Constitution to allow a party who did not request a review by a circuit court en banc to appeal an adverse decision by the en banc court directly to the Court of Special Appeals. Currently appeals must be made to the Court of Appeals by petitioning for a writ of certiorari.

Legislation that did not progress this session includes:

- [HB 323](#) (failed) that would have enhanced the new rule recently adopted by the Court of Appeals to limit public remote electronic access to court records to protect the identity of victims and witnesses;
- [SB 324](#) (failed) that would have established procedures for the nonpartisan nomination and election of circuit court judges; and

- [SB 206/HB 385](#) (both failed) that would have established retention elections for sitting judges rather than the current competitive elections.

### *Children, Marriage, and Families*

Legislation that passed to benefit Maryland's children includes:

- The Child Welfare Accountability Act of 2006 ([SB 792, Ch. 31](#)) that requires the development and implementation of an outcome-based system for measuring the efficiency and effectiveness of child welfare services and other enhancements;
- [SB 822/HB 813](#) (both passed) that require the development of a State resource plan for residential child care programs and include strict and enhanced requirements for residential child care program operators that must be set out in a procurement contract for such services; and
- [SB 664/HB 700](#) (both passed) that authorize the court to appoint a lawyer to represent a child in custody, visitation, or support cases, but do not give the lawyers immunity from malpractice claims.

The issues of same-sex marriage and civil unions were addressed by proposed constitutional amendments ([SB 262/HB 48](#), [SB 690](#), [SB 900](#), [HB 1393](#), [HB 1637](#), and [HB 1716](#)) and other legislation ([SB 973](#), [SB 976/HB 967](#), and [HB 646](#)), all of which failed.

### *Victims*

An Address Confidentiality Program for domestic violence victims must be established under the provisions of [SB 25/HB 1056](#) (both passed). A program participant may request the use of a substitute address in an agency's response to requests for public records, and the Secretary of State will accept service of process and first-class, certified, and registered mail for the participant.

Legislation that was unsuccessful includes:

- [HB 1148](#) (failed) that would have extended the deadline for victims of child sexual abuse to sue their abusers; and
- [SJ 4](#) (failed) that would have expressed the State's regret for the role Maryland played in instituting and maintaining slavery and the discrimination that was slavery's legacy.

## CRIMES, CORRECTIONS, AND PUBLIC SAFETY

### Crimes

Proposals to establish new misdemeanor crimes include:

- [HB 60](#) (passed) that prohibits surreptitiously taking a picture of a person in a public place that reveals the person's private area;
- [HB 850](#) (passed) that prohibits knowingly restricting entry to or exit from a funeral, burial, memorial service, or funeral procession, addressing a person attending the event in a manner likely to breach the peace, or picketing attendees within 100 feet of the event;
- [HB 11](#) (passed) that prohibits inflicting unnecessary pain or suffering on an animal by any person, not just the animal's owner or custodian;
- [SB 921](#) (failed) that would have prohibited leaving a dog outside and unattended by use of a restraint under certain conditions; and
- [HB 434](#) (failed) that would have prohibited committing a crime of violence while knowingly in the presence of a child under the age of 16 who witnesses the crime.

Those guilty of manufacturing, distributing, possessing with intent to distribute, or dispensing a controlled dangerous substance may be ordered to pay restitution for the costs of cleaning up or remediating laboratories used for manufacturing the illegal substance under [HB 474](#) (passed). Legislation did not pass that would have restricted the sales, display, and purchase of non-prescription pseudoephedrine or other meth precursor drugs ([SB 774/HB 41](#) and [HB 1098](#), all failed).

Felony crimes involving trafficking of persons and involuntary servitude would have been established under [SB 630](#) (failed).

### Law Enforcement

Correctional officers are added to those law enforcement officers protected under the felony crime of assault on an on-duty law enforcement officer ([HB 214](#), passed), but another measure did not pass that would have added assault by use of bodily fluids to the scope of the crime ([HB 152](#) failed).

Legislation also failed relating to:

- the provision of accurate crime statistics by local law enforcement agencies ([SB 1030/HB 1706](#), both

failed) and the statewide audit of crime statistics ([SB 1026/HB 1707](#), both failed); and

- electronic recordation of the custodial interrogation of a defendant accused of a crime of violence ([HB 414](#), failed) or in cases involving a capital offense ([HB 29](#), failed).

### Public Safety

The Governor signed [SB 562](#) (Ch. 53) 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. Unsuccessful public safety legislation would have established fire safety standards for cigarettes that call for a greater capacity for self-extinguishment if left unattended ([HB 1300](#), failed).

The legislature did not reconcile different versions of [SB 1](#) (failed), a blend of proposals from the attorney general, the Governor, and legislators that would have increased the monitoring of sex offenders after they are released from prison, stiffened penalties for noncompliance with offender registration requirements, and increased community notification requirements.

More than 15 bills relating to gun control were introduced this session. None passed, including the Maryland Assault Weapons Ban of 2006 ([HB 1367](#), failed).

### Victims

Victims of a violent crime committed by a juvenile are granted the right to file for leave to appeal from orders that may affect their rights, including the right to address the court at sentencing or disposition, the right to submit a victim impact statement, and the right to restitution ([SB 508/HB 1161](#), both passed).

Attempts to expand the current criminal law on victim and witness intimidation to include domestic violence crimes, child abuse, and certain sexual offenses were not successful ([SB 68](#), [SB 222/HB 320](#), all failed).

---

## ECONOMIC AND BUSINESS ISSUES

In the waning hours of the 2006 session, a measure failed in the Senate that had been crafted during the last days before *sine die* to respond to the impending 72% electric rate increase for residential customers of Baltimore Gas and Electric (BGE). [HB 1525](#) (failed) would have altered the process for electric companies procuring "standard offer service" (SOS) for residential and small commercial customers. The bill, as passed by the House, would have required a blended portfolio of

wholesale supply contracts to insulate customers from excessive market volatility and would have required the Public Service Commission (PSC) to review the SOS process every two years and report on the status of competition, if any, for residential and small commercial customers. The bill also would have increased, by \$6 million, energy bill assistance for low-income households in the State.

This session a total of 60 bills were introduced in response to utility regulation and the looming rate crisis. Several measures passed both chambers only to be vetoed by the Governor. [HB 1713](#) (vetoed) would have prohibited an entity from acquiring a public service company that operated in the State without the prior approval of the PSC. To help reduce the expected rate increase, [SB 1099](#) (vetoed) would have required Constellation Energy to return to BGE \$528 million in transition costs recovered during electricity deregulation. Another bill, ([SB 1102](#), vetoed) addressed the PSC itself, changing the method of appointing commissioners, by giving more authority to the President of the Senate and the Speaker of the House. Other failed proposals would have encouraged local governments to join together in an effort to negotiate cheaper rates through aggregation ([SJ 10](#), [HB 1731](#), both failed).

The push to bring high-speed Internet access to rural and underserved areas of the State, especially the Eastern Shore, will get a boost from successful bills, if enacted, that establish a Maryland Rural Broadband Coordination Board and a fund with mandated allotments to assist these efforts ([SB 753/HB 1156](#), both passed).

The General Assembly also okayed several bills to provide assistance to Maryland small businesses. An emergency bill, if the Governor agrees, will bring Maryland law into compliance with federal interstate commerce provisions related to discriminatory treatment between in-state and out-of-state wineries. [SB 812](#) (passed) allows Maryland small wineries to retain their ability to sell directly to restaurants, retailers, and permit holders, while allowing out-of-state small wineries to do the same. Legislation also passed that seeks to increase small business participation in State procurement. [SB 391/HB 169](#) (both passed) allow the use of individual surety bonds under certain circumstances to fulfill requirements for bid and performance security associated with State procurements.

Legislation that addresses concerns by communities in Baltimore County regarding the safety of locating a liquefied natural gas (LNG) facility at sites near residential areas passed. As amended, [SB 996](#) (passed) establishes the Baltimore County LNG taskforce. Some

of the charges the task force will study include assessing the risks and hazards of LNG facilities, the current land use near the proposed location, as well as the emergency response capabilities. Similar measures failed with statewide application that would have prohibited the PSC from approving the construction or operation of a LNG facility within two miles of any residence ([SB 997/HB 1671](#), both failed).

Successful legislation to regulate the scope and activities of the cemetery industry 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 ([HB 720](#), passed), but legislation failed that would have extended the termination date of the Office of Cemetery Oversight to July 2012 and would have made changes to the Maryland Cemetery Act that better reflect industry activities ([SB 387](#), failed).

Defeated in committee, [SB 703](#) (failed) would have authorized the Maryland Automobile Insurance Fund to provide for the financing of insurance premiums on an installment basis.

A House committee defeated [HB 37](#) (failed) that would have excluded undocumented immigrants from being covered by workers' compensation benefits. Also unsuccessful, [HB 629](#) (failed) would have established penalties for an employer, licensed or similarly regulated by a unit of the State government under the Labor and Employment Article, who hires or employs an undocumented alien and has been sanctioned by a federal agency for violation of immigration laws.

---

## EDUCATION

### *Higher Education*

The Governor's veto of [HB 1215](#) (Ch. 59) was overridden by the General Assembly. The new law mandates that the State Board of Education and the State Superintendent may not impose major restructuring of a governance arrangement of a public school system in Baltimore City 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.

Also presented to the Governor before the conclusion of the session, but becoming law without his signature, [SB](#)



959 (Ch. 57)/[HB 1381](#) (Ch. 58) prohibit University System of Maryland institutions and Morgan State University from increasing resident undergraduate tuition for the 2006-2007 academic year beyond the rates charged in the 2005-2006 academic year and limits fall 2006 resident tuition increases at St. Mary's College of Maryland to 4.8%. In addition, the bill establishes a Commission to Develop the Maryland Model for Funding Higher Education to review a consultant's report on the effective higher education funding mechanism for institutions of higher education.

Other higher education measures, [SB 356/](#)[HB 586](#) (both passed) phase in higher funding levels for community colleges from fiscal 2008 through 2013. The current formula gives community colleges funding at 25% of the level provided to Maryland public four-year colleges. The bills gradually increase that level from 25.5% in 2008 to 30% in fiscal 2013.

#### *Secondary and Elementary*

[SB 741/](#)[HB 36](#) (both passed) establish a Task Force to Study Raising the Compulsory Public School Attendance to Age 18. Unsuccessful proposals covered a variety of topics:

- [HB 1418](#) (failed) would have established 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. Also failing was companion [SB 457](#) (failed), which was amended to establish a Maryland Healthy Student Promotion and Awareness Blue Ribbon Panel and add a pilot program for up to 15 middle schools in Prince George's County to explore the use of body mass index measurements;
- [HB 1303](#) (failed) would have established an Eagle Scout and Girl Scout Gold Award Recipient Scholarship Program;
- [SB 668/](#)[HB 531](#) (both failed) would have required the State Board of Education to adopt regulations that prohibit a local board of education from contracting for school building repairs, maintenance, and improvements with a person who has been convicted of or who employs an individual who has been convicted of a violent crime or a child sexual offense if the repairs, maintenance, and improvements will take place during school hours; and
- [HB 43](#) (failed) would have exempted undocumented immigrants who attended and graduated from

Maryland high schools from paying nonresident tuition at Maryland's public institutions of higher education.

---

## ELECTIONS AND ETHICS

Legislation that will become law because of legislative overrides of gubernatorial vetoes:

- restricts fund-raising activities of members of the Board of Regents of the University System of Maryland ([HB 1674](#), Ch. 60); and
- 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 ([HB 1368](#), Ch. 61).

Legislation that failed this session would have required the use of voting machines for the upcoming fall elections that could produce voter-verified paper trails ([SB 713](#) and [HB 244](#), both failed) and would have established a system of public financing of campaigns of candidates for the General Assembly ([SB 569](#) and [HB 1054](#), both failed).

---

## ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

The General Assembly passed legislation this year aimed at improving the quality of the air and the water in the State:

- The Healthy Air Act, [SB 154](#) (Ch. 23)/[HB 189](#) (passed) establishes limits on the emissions of nitrogen oxides, sulfur dioxide, and mercury from coal-fired power plants in the State. The Act also requires the Governor to include the State in the Regional Greenhouse Gas Initiative (RGGI) to reduce carbon dioxide emissions, requires the affected facilities to submit annual reports to the Maryland Department of Environment (MDE), Department of Natural Resources (DNR), and the Public Service Commission, and requires MDE to adopt regulations to implement the bill by 2007;
- [HB 558](#) (passed) expands the qualifications for septic system users to be eligible for grants or loans through the Bay Restoration Funds and establishes the priority for eligibility; and

- [SB 379/](#)[HB 1588](#) (both passed) require the reduction in the amount of nitrogen discharged into the Patuxent River from wastewater treatment plants.

Implementing the recommendations of the Agricultural Stewardship Commission, [HB 2](#) (passed) establishes programs meant to preserve farmland and farming in the State, and provides incentives to farmers that will help to improve the water quality of Maryland's rivers and streams. Some of the other bills designed to preserve farmland that succeeded are [SB 485/](#)[HB 1106](#) (both passed), exempting structures used in agricultural tourism in some counties from complying with State building standards, and [HB 699](#) (passed), creating a fund to provide grants to preserve historic barns and agricultural structures.

The legislature also sent the Governor [SB 346/](#)[HB 1238](#) (both passed) that allow recycled content of newspapers to be calculated over a three-year period; and [HB 980](#) (passed) that requires (DNR) to adopt a fishery management plan for diamondback terrapin and develop regulations governing terrapin that are consistent with the 2001 recommendations of the Maryland Diamondback Terrapin Task Force.

---

## FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

Approved emergency legislation ([SB 1093/](#)[HB 1735](#), both passed) 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.

Although concerns regarding identity theft and consumer protection prompted the introduction of a number of bills this year including security breaches of personal information ([SB 134](#), failed) and consumer report freezes ([HB 1202](#), failed), no bills on these remedies passed. A Task Force to Study Identity Theft created by 2005 legislation is scheduled to report December 31, 2006. Also rejected was [SB 673](#) (failed) which proposed repeal of current law requiring a licensed debt management services provider to be a nonprofit entity (allowing a for-profit entity to become licensed).

---

## FISCAL MATTERS

### *Operating and Capital Budgets and Related Topics*

The General Assembly passed a \$29.4 billion Budget Bill, [SB 110](#). Some of the major features include:

- Public education—approximately \$4.5 billion for public education, a \$458 million increase;
- Textbooks—\$3.9 million for nonpublic school textbook aid;
- Higher education—approximately \$1 billion in general funds for State universities and colleges; freezes tuition except for a 4.8 % tuition increase at St. Mary's College;
- State employees—\$900 cost-of-living adjustment for employees making \$45,000 or less and a two percent cost-of-living adjustment for those making over \$45,000 with a limitation of \$1,400; correctional officers receive an additional salary enhancement effective April 12;
- Program Open Space and other land conservation programs—\$361 million, including \$135.6 million in Program Open Space funds for local governments;
- Stem Cell Research Fund—\$15 million; and
- Medicaid—approximately \$4.5 billion.

[SB 370](#), the “Maryland Consolidated Capital Bond Loan of 2006,” became law without the Governor's signature. As Chapter 46 of the Acts of 2006, this budget authorizes \$711.2 million in borrowing, of which \$690 million is new 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.

Pursuant to a Spending Affordability Committee recommendation, [HB 1331](#) (Ch. 52) and [SB 542](#) (Ch. 51) increase the minimum Revenue Stabilization Account (Rainy Day Fund) balance from 5% of estimated General Fund revenues to 7.5%. The 5% balance would only be accessible by an Act of the

General Assembly, while the Governor would be able to appropriate the amount over the 5% minimum.

The legislature also approved [HB 89](#) (passed), 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.

[SB 559](#) (failed) would have required the Governor to include general funds for State bond payments in the Budget Bill each year in an amount sufficient to reduce the State property tax rate to 8.4 cents from the current 13.2 cents.

[SB 850/HB 1345](#) (both passed) require the Maryland Department of Transportation to study the State's transit operating and capital needs for the next 20 years, as well as useful information on transit funding strategies. The bills establish a Transit Funding Study Steering Committee to provide guidance to the department in its studies with a report due this December. The bills originally dedicated a portion of sales tax revenue to mass transit. [HB 981](#) and [HB 1392](#) (both failed) also would have dedicated a portion of sales tax revenue for mass transit.

[HB 444](#) (failed) would have limited the authority of the Board of Public Works to reduce appropriations from the current 25% to 10%.

#### *Tax Credits and Other Programs*

The General Assembly granted approval to several measures that the Governor must now consider:

- [SB 22](#) (passed) provides a \$5,000 subtraction modification for military retirement income. Tax breaks in this bill for the elderly were deleted. Similar bills died ([HB 35](#), [SB 220/HB 312](#), all failed).
- [HB 315](#) (passed) establishes a "Family Caregiver Assistance Program" in the Department of Aging. As modified, the bill establishes a grant program of up to \$500 per year for family caregivers for individuals needing long-term care if the caregiver resides with the individual needing care and the caregiver's income is under a certain amount. The grants are to be used for expenses associated with the costs of providing the care. Originally, the bill provided an income tax subtraction modification of \$1,000 for a caregiver of an individual needing long-term care. The companion, [SB 216](#) (failed), was defeated.

- [SB 382](#) (Ch. 27) and [HB 5](#) (passed), concerning the homeowner's property tax credit program, the "circuit breaker" program, and amended to be identical, increase the maximum assessment valuation of the residence from \$150,000 to \$300,000, enhance the tax benefit by providing that the no tax is owed for the first \$8,000 of income up from the current \$4,000 of income, and provides a maximum income limitation of \$60,000. The other "circuit breaker" bills were defeated ([HB 47](#), [SB 215/HB 313](#), [HB 1252](#), [SB 156](#), [SB 234](#), all failed).
- [HB 717](#) (passed) makes individuals with disabilities who meet certain income limitations and whose homes are owned by a housing trust eligible for the "Homeowner Property Tax Credit Program," the "circuit breaker" program.
- [SB 853](#) (passed) alters the calculation and eligibility requirements of the municipal supplement to the Homeowners' Property Tax Credit Program. Its companion bill, [HB 1262](#), died.
- [SB 2/HB 1219](#) (both passed) reduces the estate tax on the smallest taxable estates from 41% to 16% and modifies the administration of the estate tax. All of the estate tax bills died that would have lowered 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 295](#), all failed).

The General Assembly considered a number of other proposals for tax breaks related to the following, but did not reach agreement before *sine die*:

- The "Hometown Heroes Act of 2006" would have extended the current pension income tax exclusion to the pensions of retired federal, State, or local law enforcement officers, firefighters, and emergency services personnel who are at least 50 years old ([HB 1424](#), failed).
- The Building Opportunities for All Student and Teachers (BOAST) in Maryland Tax Credit would have provided credits for contributions made by businesses for scholarships ([SB 946](#), failed).
- All of the biotechnology tax credit bills died ([SB 954/HB 834](#), [SB 219/HB 321](#), all failed).
- The Maryland Heritage Structure Rehabilitation Tax Credit Program would have been modified and extended ([SB 223/HB 314](#), both failed).

- The maximum State income tax rate would have been reduced in stages from the current 4.75% to 4.275% by 2009 ([SB 560](#), failed).
- A property tax credit would have been implemented for firefighters, law enforcement officers, or public school teachers ([HB 197](#), failed).
- The maximum assessment increase would have been limited to 5% for owner-occupied real property for State and local government taxing purposes from the current 10% ([SB 211/HB 68](#), both failed).
- Water sold in containers of one gallon or larger would have been exempted from the sales tax ([HB 836](#), failed).

Legislation also died that would have required the State Retirement and Pension System external managers to divest State pension funds from foreign companies with equity ties to the government of Sudan ([HB 1001](#), failed).

---

## GAMING, RACING, AND SPORTS

### *Hunting*

[HB 282](#) (passed) increases the duration of a complimentary hunter's license for a Maryland resident who certifies that the resident is a former prisoner of war or 100% service-connected disabled American veteran. The duration is increased from one year to the lifetime of the licensee.

[HB 968](#) (passed) prohibits a person from shooting at or killing a bird or animal in the State with a gun or other device operated or accessed via an internet connection. The Senate version ([SB 521](#), passed) was signed last week as Chapter 29, Acts of 2006.

[SB 663/HB 1157](#) (both failed) would have prohibited the hunting of black bears in Maryland.

### *Baseball, Horses, and Slots*

[SB 735](#) (failed) would have required the Secretary of Health and Mental Hygiene to adopt regulations for "youth baseball" to designate the types of approved baseball protective gear that are appropriate to each position.

Proposals related to Maryland's horse industry did not pass:

[SB 58/HB 356](#) (both failed) would have repealed provisions that prohibited thoroughbred racing in the State after 6:25 p.m.; and

[HB 1361](#) (failed) would have required the Secretary of Labor, Licensing and Regulation to contract with an outside consultant to conduct a study on what steps may be taken to make the horse industry more competitive with the horse industry in neighboring states.

None of the bills authorizing slot machines progressed ([HB 193](#), [SB 132/HB 884](#), [SB 225/HB 318](#), [HB 442](#), [HB 575](#), [HB 1426](#), all failed).

---

## HEALTH CARE AND HEALTH INSURANCE

Signed into law, [SB 144](#) (Ch. 19) 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. Annually, beginning in fiscal 2008, the Governor may include in the Budget Bill an appropriation to the stem cell research fund. In the adopted FY 2007 budget, \$15 million is appropriated.

An independent Stem Cell Research Commission is also established under the Maryland Technology Development Corporation (TEDCO). An independent scientific peer review committee will 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 law also includes criminal penalties for an individual conducting or attempting to conduct human cloning.

Other bills ready for gubernatorial consideration include:

- [SB 236](#) (passed), an Administration bill that creates the Advance Directive Registry within the Department of Health and Mental Hygiene (DHMH) and requires the Maryland Department of Transportation (MDOT) to add an advance directive notation on driver's licenses and identification cards. The bill takes effect July 1, 2007, contingent on enactment of [SB 369](#) (passed) revising the advance directive forms;
- [SB 135](#) (Ch. 42)/[HB 78](#) (passed) that specify the Maryland Health Care Commission's (MHCC) comparable evaluation system for hospitals and ambulatory surgical facilities must include health care-associated infection information from hospitals;
- [SB 61](#) (Ch. 22)/[HB 822](#) (passed) that repeal 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;

- **HB 89** (passed) that requires the Governor to include in the Budget Bill for fiscal 2008 at least \$3 million in general funds for an immigrant health initiative to provide health care services for all legal immigrant children under the age of 18 and pregnant women who meet program eligibility standards and arrived in the United States on or after August 22, 1996;
- **HB 1467** (passed) “Maryland Cares” that establishes the Medicare Part D Stopgap Program in the Maryland Department of Aging (MDoA) to assist eligible beneficiaries in obtaining Medicare Part D prescription drug benefits; and
- **SB 824/ HB 681** (both passed) establish the Maryland Commission for Men’s Health within DHMH.

Reintroduced issues not meeting with legislative approval include extending smoking ban to restaurants and bars (**SB 298 /HB 375**, both failed), dispensing of emergency contraception by pharmacists (**SB 297**, failed), Canadian drug import plan (**SB 568**, failed) and expanding the current parental notification requirement for a physician when a minor seeks an abortion (**HB 958**, failed).

Other defeated legislation this session dealt with expansion of health care coverage to the uninsured (**HB 441, HB 1510**, both failed), establishment of health care-associated infections prevention and control programs in hospitals and nursing facilities (**SB 565/ HB 966**, both failed), requirements for mercury-free vaccines (**SB 365/ HB 394**, both failed), medical malpractice reform capping noneconomic damages at \$500,000 (**SB 229/ HB 306**, both failed), and hand sanitation equipment in portable restrooms (**HB 425**, failed).

---

## HUMAN RESOURCES

Reimbursement paid by the State to community developmental disability or mental health service providers for services provided to Medicaid recipients or persons who receive services subsidized by the State must be adjusted annually for inflation under **SB 447** (passed). The adjustment is subject to the limitations of the State budget and a maximum annual rate of change of 5%.

## REAL PROPERTY, ESTATES, AND TRUSTS

**SB 253** and **HB 298** (both passed) 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 bills make exceptions for seven Maryland counties.

Legislators introduced over 40 bills related to eminent domain and condemnation, but none of the measures passed. Two bills (**SB 3** and **HB 1203**, both failed) would have reformed the eminent domain process in Maryland, prohibited condemnation of private property for the benefit of a private party for purposes of economic development unless certain conditions are fulfilled, including a plan that has substantial and direct public uses and benefits. Other failed legislation addressed compensation for goodwill, limitation on actions, payment of defense costs, right to repurchase, and relocation assistance.

Responding to recent municipal annexations in largely rural areas of the State that run counter to the State’s Smart Growth and priority funding areas law, 2006 legislation makes several changes in Maryland’s local government planning processes. By October 2009, counties and municipalities must implement changes in their comprehensive plans. Required changes to the municipal annexation process make it tighter, internally consistent, and meet the requirements under the priority funding areas law. A task force will report by 2007 on the future of growth and development in Maryland (**HB 1141**).

Bills that did not pass:

- **SB 235** (failed) would have allowed pet owners to set up a trust for their animals and enabled owners to designate their pets as beneficiaries; and
- **HB 155** (failed) would have provided a neighborhood association with standing to represent itself or a member 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 or within one-half mile of the association.

---

## STATE GOVERNMENT

Several bills crossed the legislative deadline related to State employees and teachers. These bills address:

- enhancing retirement benefits for State employees and teachers by increasing the benefit multiplier or the percentage of the average salary that is paid for each year of service from 1.4% to 1.8% retroactive to 1998, raising the employee contribution from 2% to 5% per year phased in over three years, allowing local governments to opt in if they want to, and requiring a study and continuing review of the retirement systems ([SB 1019/](#)[HB 1737](#), both passed);
- establishing a \$20 limit on the amount of the co-payment that the State Prescription Drug Benefit Plan may charge enrollees for a 90-day prescription filled through the voluntary mail order option that the plan is required to offer ([SB 430/](#)[Ch. 28](#)); and
- creating a Blue Ribbon Commission to Study Retiree Health Care Funding Options ([SB 431/](#)[HB 1125](#), both passed).

Other approved bills relating to the administration of State government:

- repeal 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 ([HB 34](#), passed);
- make adjustments to the State's Open Meetings Act ([SB 406/](#)[HB 698](#), both passed); and
- establish a Veterans Advocacy and Education Act of 2006 that creates, for veterans of the Afghanistan and Iraq Conflicts, a scholarship and outreach programs, as well as a State death benefit ([HB 3](#), passed).

Legislation ([SB 348](#), Ch. 62) that overcame a gubernatorial veto in the last days of session to become law establishes the State Labor Relations Board (SLRB) as an independent unit of State government and allows either party in the collective bargaining process for any bargaining unit to request that a neutral third-party fact finder be employed if negotiations for the next fiscal year do not conclude by October 25. However, [SB 1075](#) (vetoed) that would have required a second-term Governor who carries over any principal department Secretary to reappoint that Secretary with the advice and consent of the Senate did not prevail against the Governor's veto because only the Senate voted to override the veto. In the last hours of the session, the House did not act on the measure.

## TRANSPORTATION

Signed by the Governor, [SB 168](#) (Ch. 24) doubles the fine for certain overweight vehicles on the Chesapeake Bay Bridge. The companion measure is on the Governor's desk ([HB 1559](#), passed).

Also eligible for gubernatorial consideration, successful legislation imposes mandatory suspension of the license of a driver under the age of 21 who violates alcohol and/or drug-related provisions ([SB 228/](#)[HB 310](#), both passed). Another successful measure provides that a person may not commit or engage another person to commit a violation of the Maryland Vehicle Law that is punishable by a sentence of imprisonment, or a violation of the prohibition against reckless driving, for the purpose of filming, videotaping, photographing, or otherwise recording the violation unless the person obtains written permission from the Secretary of State Police or the Chief Executive Officer of the governing body of the county in which the violation is to occur ([HB 616](#), passed).

If the Governor agrees, Marylanders will be permitted to remove a partially consumed bottle of wine that was purchased for consumption with a meal from a licensed premise, provided that the licensee or its employee inserts a cork in or places a cap on the bottle. A partially consumed bottle of wine is considered to be an open container for purposes concerning possession of alcohol in a motor vehicle ([SB 280/](#)[HB 517](#), both passed).

A number of bills were introduced this session dealing with the Ignition Interlock System Program. One successful measure includes among its provisions increased administrative sanctions for a driver whose blood alcohol content is .15 or more and authorization, under certain circumstances, for modifying a suspension or issuing a restrictive license for the driver if the driver participates in an ignition interlock program for one year. However, unless the interlock program is successfully completed, the driver's license or driving privilege will be suspended summarily for the full period of suspension for the applicable administrative offense ([HB 525](#), passed).

[HB 1443](#) (failed) would have prohibited, in order to facilitate compliance with the federal Real ID Act, 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.