



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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BILL INTRODUCTIONS

As of Friday, February 2, the number of Senate bills totaled 409 with an extended deadline for introduction set for 5 PM on Monday, February 5. House bills now stand at 404. The Introduction Date deadline for delegates is Friday, February 9, at 5 PM.

Bills that are not introduced by the deadlines are assigned to each chamber's Rules Committees and must be voted out in order to be assigned to a standing committee for further consideration.

STATE OF THE STATE ADDRESS

On Wednesday, January 31, Governor O'Malley delivered his first State of the State address to the legislature assembled in the House chamber. Initiatives would create a new Cabinet post for Information Technology, reestablish the Office of Smart Growth, and create a new Maryland Security Council. The Governor also seeks to improve the Port of Baltimore, revamp the Maryland Energy Administration, and establish a State living wage law.

Echoing themes outlined earlier, O'Malley also called for increasing school construction funds, hiring new correctional officers, aiding small businesses with a new health insurance exchange, ending the practice of using ground rents to evict homeowners, making Maryland cars adhere to stricter emission controls, freezing tuition for the coming year at Maryland's public colleges and universities, and expanding mass transit.

ELECTION OF THE STATE TREASURER

On February 1, by joint ballot, the General Assembly elected the current Treasurer, Nancy K. Kopp, to a second four-year term. Kopp has been Treasurer since February 2002, when she was chosen to fill the unexpired term following the resignation of Treasurer Richard Dixon. She was then re-elected in January 2003.

The Treasurer is the custodian of all stocks, bonds, and other investments of the State, and of all securities and collateral pledged to the State. The Office administers the State's insurance programs and handles all details

related to the issuance of the general obligation debt of the State. The Treasurer also serves with the Governor and the State Comptroller on the Board of Public Works.

GUBERNATORIAL APPOINTMENTS

This week Governor O'Malley announced the following cabinet appointees:

- Agriculture – Roger L. Richardson, a farmer and businessman from the Eastern Shore;
- Disabilities – Catherine Raggio, most recently was executive director of Independence Now, who has been an long-time advocate for people with disabilities;
- Housing and Community Development – Raymond A. Skinner, who was the department's secretary under former Governor Glendening and currently is a consultant in Prince George's County; and
- Human Resources – Brenda Donald Walker who served as Washington, DC's Deputy Mayor for Children, Youth, Family and Elders under former Mayor Anthony Williams.

COURTS AND CIVIL PROCEEDINGS

A new procedure for the nonpartisan nomination and election of circuit court judges is established under [SB 46](#). Heard in committee this week, the proposal enables registered voters, whether or not affiliated with a major political party, to vote in primary elections for judicial candidates and repeals the practice of nomination by petition.

An expression of regret or apology made by a health care provider to a victim of alleged health care malpractice is inadmissible as evidence of admission of liability in a civil suit or arbitration proceeding against the health care provider under [SB 84/HB 147](#). The legislation, heard by a House committee this week, also repeals current law that provides that an admission of liability or fault that is part of or in addition to an apology or expression of regret is admissible as evidence of admission of liability.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Bills have been introduced to repeal the death penalty, substituting the sentence of life without the possibility of parole in situations that currently call for the death penalty ([SB 211](#) and [HB 225](#)), and to exempt death penalty protocols from the Administrative Procedure Act ([SB 239](#)). If passed, [SB 239](#) would lift a de facto moratorium on executions that stems from last year's Court of Appeals decision holding invalid Maryland's death penalty protocols because they are not subjected to the extensive public review that is required by the Administrative Procedure Act.

Public commentary was given this week on [HB 67](#) that provides that a criminal defendant's statement made during custodial interrogation for a crime of violence is presumed involuntary unless it is electronically recorded, with certain exceptions. The companion bill ([SB 193](#)) will have a hearing next week.

Gun legislation introduced this session includes the Maryland Assault Weapons Ban of 2007 ([SB 43](#)) and a provision to repeal the requirement of a good and substantial reason to wear, carry, or transport a handgun when applying for a handgun permit ([HB 228](#)). Hearings on the bills are yet to be scheduled.

EDUCATION

Recently introduced, [SB 179](#), the Robert Kittleman Scholarship Reform Act, repeals the senatorial and delegate scholarship programs. Heard this week were [SB 29/HB 81](#) that authorize judicial review in the circuit court of a decision by the Maryland Higher Education Commission regarding the duplication of academic programs. Currently decisions are only subject to judicial review when an institution of higher education has specifically requested a determination about program duplication or has filed an objection to the implementation of a new program based on program duplication. A substantially similar bill ([SB 998](#)) was passed last year but vetoed.

ELECTIONS

On Thursday, February 1, a Senate committee and a House committee, respectively, heard the views from both citizens and officials on [SB 1](#) and [HB 201](#). Both measures amend the Maryland Constitution to give the General Assembly the authority to allow voters to vote early at polling places in or outside of their election

districts. The bills also clarify the General Assembly's power to provide for absentee voting to include, in addition to voters who are absent at the time of an election or are unable to vote personally, those voters who might otherwise choose to vote by absentee ballot.

The House committee also listened to the pros and cons of other bills related to Maryland's election process:

- [HB 18](#) adds voter-verified paper trails to Maryland's election process; and
- [HB 16](#) changes the deadlines for obtaining absentee ballot applications and for voter registration.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

In a move to improve the water quality of the Chesapeake Bay, bills have been introduced that authorize the Department of Natural Resources to lease land beneath the Bay and its tributaries to residents of the State for oyster restoration. [SB 148/HB 133](#) also establish the Task Force on Oyster Restoration in the Chesapeake Bay. Testimony will be heard on the bills on February 13 and 14, respectively.

GAMING, RACING, AND SPORTS

[HB 260](#) establishes the Maryland Gaming Commission and makes the Maryland Lottery Agency a division of it. The bill includes provisions that give the Commission the authority to enforce the laws relating to gaming in the State, ensure the bona fide nature and character of the nonprofit organizations allowed to conduct gaming, and require that proceeds from such activities be used to benefit charities, and regularly review ongoing and proposed gaming activities.

HEALTH CARE AND HEALTH INSURANCE

Proposals to reduce the State's estimated 784,000 residents who have no health insurance coverage were before committees this week. Doubling of the State's cigarette tax is proposed as a funding source for the Healthy Maryland Initiative ([SB 207](#) and [HB 288](#)), which expands Medicaid coverage, increases funding for tobacco cessation programs, and grants incentives to small businesses that have not recently provided comprehensive health insurance to employees.

Highlighted in the Governor's State of the State address, the Administration's Maryland Health Care Access Act

of 2007 ([SB 149/HB 132](#)) expands access to the State's Children's Health Program, establishes the Maryland Health Insurance Exchange for eligible individuals and small business employers, and allows children to continue insurance coverage under their parents' plan until age 25.

REAL PROPERTY, ESTATES, AND TRUSTS

Dating from the colonial period, the use of ground rent in recent times has allowed ground rent owners to take homes or charge homeowners large sums for past due rent. Emergency administration bills, [SB 106/HB 172](#), prohibit the creation of a lease or sublease for single family residential property that has four or fewer single-family units that have an initial term of 99 years renewable forever and create a leasehold estate or subleasehold estate subject to the payment of an annual ground rent.

[HB 84](#), requires contracts for sale of real property subject to a redeemable ground rent to include notice of the option of redeeming the ground rent. Another proposal, [SB 289](#), alters notice requirements, by requiring notice to be posted on the property in all cases, before bringing an ejectment action.

TRANSPORTATION

To comply with the federal Real ID Act that requires federal agencies to accept only personal identification cards that meet certain standards, [SB 184](#) and [HB 11](#) prohibit the Motor Vehicle Administration from issuing a new driver's license to anyone who cannot provide documentation that the individual is lawfully present in the United States.

Measures have been introduced in the past two sessions that address traffic congestion on the Chesapeake Bay Bridge. Heard by a committee this week, [SB 40](#) requires the Maryland Transportation Authority (MdTA) to stop collecting tolls if traffic approaching the bridge is so congested that eastbound vehicles are waiting 30 minutes or longer to cross. MdTA would resume collecting tolls when congestion eases.

Another measure, [SB 42](#), prohibits the selection of Kent County as the destination for a new bay bridge. Under the bill, the State Roads Commission, the Maryland Department of Transportation (MDOT), MdTA, and Kent County may not plan, design, finance, condemn property for, or construct an additional crossing, such as a bridge, with a terminus in Kent County.