



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

Issue 07-5

February 5-9, 2007

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## BILL INTRODUCTIONS

With the Senate deadline for bill introduction passed and the House deadline set for Friday, February 9 at 5 PM, the number of bills before the 2007 General Assembly has reached 748 in the Senate and 1,084 in the House. Bills introduced following these deadlines go to each chamber's Rules Committees and must be voted out to a standing committee in order to move through the process.

March 5, the 55<sup>th</sup> day of the session, is the final date for introduction of bills without suspension of the rules, which requires a 2/3 vote of the elected membership of the chamber in question.

## GUBERNATORIAL APPOINTMENTS

This week Governor O'Malley filled the following cabinet posts. With confirmation by the Senate, these departments will be headed by:

- Aging – Gloria G. Lawlah, who represented Prince George's County in the General Assembly from 1991-2007 as a senator, and from 1987-1991 as a delegate;
- Business and Economic Development – David W. Edgerley, who previously filled a similar role under former Montgomery County Executive Doug Duncan;
- General Services – Alvin C. Collins, who was a former Chief of Staff to Governor Parris Glendening; and
- Juvenile Services – Donald W. DeVore, with experience as an independent monitor for two of Maryland's juvenile facilities, who was Director of Juvenile Services for Connecticut.

## COURTS AND CIVIL PROCEEDINGS

Testimony was given this week on the Maryland Comparative Negligence Act ([HB 110](#)) that establishes comparative negligence as the standard in Maryland tort litigation. The current standard of contributory

negligence bars a plaintiff from receiving any damages for an injury if the plaintiff's own negligence contributed in any way to the harm. The proposed comparative negligence standard allows a partially negligent plaintiff to receive partial damages, determined by reducing an award by a percentage equal to the percentage of fault that can be attributed to the plaintiff. The companion bill, [SB 267](#), has no hearing scheduled.

[HB 147](#) (failed) would have made an expression of regret or apology by a health care provider to a victim of alleged health care malpractice inadmissible as evidence of admission of liability in a civil proceeding against the health care provider.

## CRIMES, CORRECTIONS, AND PUBLIC SAFETY

A measure to expand existing hate crime laws to include crimes based on the homeless status of a person ([SB 160](#)) was heard by a committee this week. Crimes based on race, color, religious beliefs, sexual orientation, or national origin are covered under the current laws.

Hearings were held this week for legislation that requires each law enforcement agency in the State by December 1 to write and adopt a policy on obtaining accurate eyewitness identification that complies with the U.S. Department of Justice standards ([SB 157/HB 103](#)). The State Police must compile the policies by February 1, 2008, and make them available for public inspection.

Legislation to require a DNA sample to be taken from a person arrested for a felony, fourth degree burglary, or breaking and entering a motor vehicle ([SB 169](#)) received a hearing this week. Currently DNA samples are collected from persons only after they have been convicted of those crimes.

## ECONOMIC AND BUSINESS ISSUES

In an attempt to increase the affordability of certain solar energy systems to individuals, local governments, and businesses, several bills have been introduced over the past weeks. [SB 187/HB 253](#) and [HB 74](#) increase the grant award limits under the Solar Energy Grant Program, and [HB 76](#) reestablishes the Solar Energy Tax

Credit Program. Also introduced were [SB 186/HB 328](#), which establish a Solar Energy Grant Fund consisting primarily of compliance fees collected from energy suppliers that fail to meet the Renewable Energy Portfolio Standard.

Continuing the effort to reduce the electricity supply costs to Maryland residents, [SB 66/HB 60](#) authorize electric cooperatives to obtain energy through a portfolio of blended wholesale supply contracts without the approval of the Public Service Commission (PSC). These bills currently only apply to the acquisition of energy by the Southern Maryland Electric Cooperative (SMECO).

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## ELECTIONS AND ETHICS

This year Maryland has joined many other states in considering legislation to establish an “Agreement Among the States to Elect the President by National Popular Vote.” Under the agreement each state would commit all of its presidential electors to the national popular vote winner in a presidential election, thus eliminating the current system whereby each state awards all of its electoral college votes to the candidate who won the popular vote in that state ([SB 634/HB 148](#)).

Recently, committee members heard testimony on several bills that make changes in election laws. The legislation:

- allows 16 year olds to register to vote, provided they meet other voter registration requirements, but does not allow them to vote until age 18 ([SB 31](#));
- requires a voting system that does not use a document ballot to produce an accessible voter-verified paper audit trail, requires each local board to distribute and post at each polling place on election day a “Voter’s Bill of Rights” document, and expands prohibitions relating to influencing or attempting to influence voters. ([SB 63](#));
- provides for the rotation of the names of candidates of the same political party seeking nomination or election to an office on both primary and general election ballots ([SB 77](#));
- provides that election judges be hired on a nonpartisan basis, without party designation or regard to party affiliation ([SB 78](#));
- requires a candidate for public or party office to include the current address of the individual’s domicile ([SB 89](#)); and

- repeals a provision allowing a candidate for public or party office to file a certificate of candidacy in a name different than the candidate’s name ([SB 90](#)).

Legislation ([SB 1](#)) to amend the Maryland Constitution to allow early voting is on the Senate floor with further consideration slated for Tuesday.

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## ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Bills that provide some local flexibility in the use of program open space funds, [SB 49/HB 69](#), were heard in committees this week. The bills restore provisions enacted by HB 404 in 2001, which expired September 30, 2006.

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## FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

Consumer privacy protection is addressed in a variety of bills introduced this session with hearings scheduled to begin next week. Bills to date include protecting personal information held by businesses ([SB 194/HB 208](#), [HB 90](#), [HB 123](#)) and defined State entities ([SB 514](#)) and providing consumer notification of security breaches of systems containing this information.

Other legislation allows a consumer to “freeze” or restrict access to the individual’s consumer report ([SB 4](#), [SB 52](#), [HB 117](#), [HB 178](#), [HB 470](#)), and restricts the sale of personal information held by businesses or State government ([HB 210](#)) or collected by merchants with 50 or more employees ([SB 467/HB 739](#)). The House passed emergency legislation ([HB 26](#)) to extend the reporting date of the Task Force to Study Identify Theft until December 31, 2007. The companion bill is [SB 70](#).

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## FISCAL MATTERS

[SB 67](#) creates an income tax credit for businesses that legally could permit smoking on their premises but voluntarily prohibit it. The credit is 15% of their business tax liability with a maximum credit of \$5,000. A violation would result in a penalty of 200% of the credit. The bill had a hearing on February 7.

[HB 448](#) expands the sales tax to certain services including cable television, a motor vehicle repair or maintenance service, a barber or beauty service, a tanning or massage service, and real property management services.

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## GAMING, RACING, AND SPORTS

[SB 98](#) would allow eligible service organizations in all the Maryland counties to operate slot machines. Currently organizations in only eight counties are allowed to do so. The nonprofit must be located in the State for at least five years prior to the application for a license and must be a fraternal, religious, or war veteran's organization.

Additionally, there will be approximately 28,176 new households, concentrated in Harford (26%), Anne Arundel (18%), and Baltimore counties (14%), followed by Baltimore City (10%), Montgomery (9%), Cecil and Prince George's (8% each), and Howard (7%) counties. About 53% of the new households are projected to be high-income (over \$75,000 annually).

Other measures, both under committee scrutiny, respond to a special legislative committee's recommendations to clarify Maryland law related to the hiring and firing of State personnel. The State Employees' Rights and Protections Act of 2007 ([SB 2/HB 162](#)) requires the designation of special appointment positions and the delineation of which are political and nonpolitical appointments. The bills also prohibit the termination of a management or executive service employee or a special appointment for an illegal or unconstitutional reason. Moreover, a management service employee or a special appointment (both politically and nonpolitically appointed) may not be terminated to create an open position for another individual because of his/her political affiliation, belief, or opinion.

Other special committee recommendations, are addressed in [SB 50/HB 161](#). These bills, relating to the duties of the Governor's Appointments Office, prohibit the office from superseding or interfering with any function assigned by law to an appointing authority. Only the lawfully designated appointing authority of a State employee may terminate the employee.

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## HEALTH CARE AND HEALTH INSURANCE

The Children and Working Families Health Care Act of 2007 ([HB 754](#)), introduced this week, expands health care access to the State's uninsured. Before a committee during the week, legislation sponsored by the Administration requires the Statewide Advisory Commission on Immunization to evaluate whether the State should have a universal vaccine purchasing system, or a similar program, to increase access to necessary vaccines ([HB 140](#)). The companion measure, [SB 105](#), has a hearing next week.

Withdrawn recently, [SB 54](#) would have required female students enrolled in 6<sup>th</sup> grade to receive the preventive vaccine for cervical cancer.

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## STATE GOVERNMENT

Commentary has been presented to both Senate and House committee members on the proposed StateStat program ([SB 102/HB 137](#)) that is modeled after Baltimore City's CitiStat efforts. StateStat is an accountability tool that is used to measure progress by setting goals, collecting data, and requiring managers to report on a regular basis to the Governor's staff. The Departments of Public Safety and Correctional Services, Human Resources, and Juvenile Services are to pilot StateStat in fiscal 2008.

Also moving through the process, [SB 110/HB 136](#) respond to the gains made by Maryland under the 2005 Base Realignment and Closure (BRAC) process. The bills establish a subcabinet, headed by Lt. Gov. Anthony Brown, to deal with the expected influx of personnel and households into the State. An estimated 16,000 Department of Defense military and civilian jobs are to be phased in from 2005 to 2011, with most of the influx to be at Aberdeen Proving Ground, Fort Meade, and the newly renamed Walter Reed National Military Medical Center.

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## TRANSPORTATION

Testimony was given this week on [SB 165](#) that establishes a Task Force to Study the Boating Industry in Maryland, for the purpose of evaluating and making recommendations regarding the expansion of the boating industry within the State. The companion measure, [HB 305](#) is scheduled for a hearing next week.