



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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GREEN BAG APPOINTMENTS

On Friday, February 16, the “Green Bag” appointments were delivered to the President of the Senate during the morning session. The Governor is required by the Maryland Constitution to submit nominations of civil officers for confirmation to the Senate “within forty days” from the beginning of each regular session. Since the 40th day falls on Sunday, February 18, the bag was delivered on Friday.

The green leather bag is embossed with the Maryland Great Seal and is modeled on the green bags used by English barristers of old to convey official documents. Except for the annual presentation ceremony, the Green Bag resides at the State Archives.

SPEAKER’S MEDALLION, FOUNDER’S AWARD, AND THOMAS KENNEDY AWARD

In conjunction with the Speaker’s Society, which was established in 1995 for current and former delegates to meet together annually, three awards were created to recognize Marylanders of merit. This week the recipients of the awards for 2007 were recognized on the House floor. The Speaker’s Medallion is given in memory of Thomas Kennedy, a former member of the House, for his courageous stand on principle. Through Kennedy’s efforts, in 1826 the General Assembly extended the same rights and privileges enjoyed by Christians to people of the Jewish religion. The Casper R. Taylor, Jr. Founder’s Award is presented to a sitting delegate to honor steadfast commitment to public service and to the integrity of the House. The Thomas Kennedy Award is given to a former House member for personal courage and dedication to the principles of liberty and freedom.

This year Dr. William E. Kirwan was chosen as the Speaker’s Medallion recipient for exemplary service to the State of Maryland. Dr. Kirwan, a nationally recognized educator, is currently the Chancellor of the University System of Maryland. He was formerly a professor and President of the University of Maryland College Park. The Founder’s Award was given by its namesake, former Speaker Casper Taylor, to current Delegate Ruth M. Kirk. She was recognized as a team

player and a person who embodies the concept of One Maryland. Delegate Kirk has represented Baltimore City in the House since 1983. The Kennedy Award was received by Judge John Hanson Briscoe, County Administrative Judge, St. Mary’s County Circuit Court from 1986 to 2002. Judge Briscoe was a member of the House from 1962 to 1979 and Speaker from 1973 to 1979.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Legislation to strengthen State oversight of residential child care programs ([SB 177/HB 53](#)) calls for regulations to require each direct care staff member of a public or private facility licensed by the Department of Health and Mental Hygiene (DHMH), the Department of Human Resources (DHR) or the Department of Juvenile Services (DJS) to be at least 21 years old and have completed a state-approved training program. DJS, DHR, and the Governor’s Office for Children (GOC) must also, by July 1, 2009, implement a system for outcomes evaluation that measures the effectiveness of residential child care programs. The GOC must develop and report on recommendations for a process and standards for certification of direct care staff by January 1, 2008. A Senate hearing was held this week on the proposal.

Designated as a crime of violence, sexual abuse of a minor under the age of 13 by a household or family member or a parent or other person who has permanent or temporary care, custody, or responsibility for the supervision of the minor earns enhanced penalties under [SB 170/HB 213](#). Also designated as a crime of violence is the crime of engaging in a continuing course of conduct that includes rape or sexual offense against a victim under the age of 14 over a period of 90 days or more. The enhanced penalties require those convicted of crimes of violence to serve a larger portion of a sentence before being eligible for parole and, for subsequent offenders, serving mandatory-minimum sentences. [HB 213](#) had a hearing last week; [SB 170](#) and similar [HB 937](#) will be heard by a committee next month.

ECONOMIC AND BUSINESS ISSUES

Hearings were held last week for [HB 7](#), which prohibits an insurer that uses territory as a factor in establishing automobile insurance rates from defining a territory by zip code if that zip code extends into two or more counties.

Also heard last week, [HB 126](#) requires the Public Service Commission to establish regulations ensuring that electric companies offer residential customers advanced electric meters, which are intended to monitor how much electricity a customer is using and when it is being used. Under the plan, customers are charged more for power used during peak periods, and are notified during times of particularly heavy energy usage. Additionally, the bill limits the charges that an electric company may impose for the installation, purchase, lease, and service of an advanced electric meter.

EDUCATION

Heard this week were the following:

- [HB 204](#) creates a tax credit equal to 100% of the cost of the textbooks in excess of \$500 (but not to exceed \$500) against the State income tax for course-required textbooks purchased by a student attending a State institution of higher education. Students must be eligible for need-based financial assistance as determined by the Maryland Commission for Higher Education;
- [SB 128](#) requires each local board of education to establish a program of education to be held annually on “Constitution Day and Citizen Day” (September 17) to teach students about the U.S. Constitution and Maryland Constitution; and
- [SB 495](#) received a favorable committee vote this week. The legislation requires law enforcement agencies to notify either nonpublic school superintendents or principals when a student enrolled in one of their schools is arrested for committing a violent crime or for certain gang, weapons, or drug-related charges. Currently law enforcement agencies are required to report the arrest of public school students who commit the offenses to the student’s local superintendent. The companion bill, [HB 1050](#), will be heard by a committee on March 1.

ELECTIONS AND ETHICS

Two bills that institute early voting by amending the Maryland Constitution have engendered considerable floor discussion in both the Senate and the House ([SB 1](#) and [HB 201](#)). The bills respond to the recent court decision that invalidated 2006 legislation that set up early voting and polling places. An amendment must be approved by the voters at the 2008 general election. The House version passed that chamber on Friday. The Senate bill will be up for a final vote on the floor next week.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

[HB 131](#), which requires the Department of the Environment (MDE) in consultation with the Motor Vehicle Administration to establish a low emissions vehicle program in the State applicable to vehicle model years 2011 and beyond, has moved to the floor. As amended, the bill requires MDE to consult with all stakeholders and to consider the needs of the visually impaired when adopting related regulations; and calls for a report on the program’s impact by December 1, 2013. Similar legislation, [SB 51](#) and [SB 103](#), remain in committee, but [HB 44](#) has been withdrawn.

Committee testimony was heard this week on bills that are meant to improve the water quality of the Chesapeake Bay by preserving and restoring the oyster population. [SB 148/HB 133](#) authorize the Department of Natural Resources to lease land beneath the Bay and its tributaries to residents of the State for oyster restoration and establish the Task Force on Oyster Restoration in the Chesapeake Bay. Another bill, [SB 379](#), extends the prohibition from using hydraulic or mechanical dredges to catch oysters and clams in certain areas of the Chesapeake Bay to include the State’s Atlantic Coastal Bays. A hearing on the cross-filed legislation, [HB 964](#), will be held on February 28.

Also heard this week, [SB 215](#) creates an advisory committee to study and recommend potential legislative reforms of the growth allocation process in the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program. A final report is due by December 1, 2008.

GAMING, RACING, AND SPORTS

[SB 541](#), the Maryland Vessel Gaming Act, would allow riverboat gambling with up to 15,500 terminals on as many as 16 boats. Boat operators could keep 80% of the adjusted gross receipts with the remaining 20% going toward the cost of regulating the boats, public schools in the counties where the boats dock, and the Chesapeake Bay Restoration Fund.

STATE GOVERNMENT

Recently introduced, [SJ 6](#) resolves that the State of Maryland expresses profound regret for the role that Maryland played in instituting and maintaining slavery and for the discrimination that was slavery's legacy. The resolution commits the State to the formation of a more perfect union among its citizens regardless of color, creed, or race and further recommits the State to the principle that all people are equal and equally endowed with inalienable rights to life, liberty, and the pursuit of happiness.

HEALTH CARE AND HEALTH INSURANCE

Bills expanding access to health insurance were the focus of a House hearing this week. Most of the bills call for an expansion of eligibility criteria for the State's current medical assistance or children's health program ([HB 132](#), [HB 202](#), [HB 288](#), [HB 336](#), [HB 754](#), and [HB 997](#)). Two of the bills identify an increased tobacco tax as a revenue source for implementing expanded coverage ([HB 288](#), [HB 754](#)). Other proposals establish a universal health plan open to all Maryland residents ([HB 400](#)) or provide a health insurance subsidy to eligible applicants ([HB 572](#)). [HB 572](#) imposes an income tax surcharge on high income individuals who do not carry personal health insurance.

Committees in both chambers have looked at the Administration's proposal ([SB 107/HB 138](#)) to establish a Task Force on Health Care Access and Reimbursement. Among the issues to be examined are reimbursement rates for Maryland's health care providers by specialty and geographic area, as well as uncompensated care. Recently introduced legislation ([SB 774/HB 1049](#)) create a task force to study the HPV vaccine and make recommendations including appropriate age requirements and the use of a mandatory vaccine for female children.

REAL PROPERTY, ESTATES, AND TRUSTS

As amended and having passed in their respective chambers, [SB 106/HB 172](#) prohibit the owner of a fee simple or leasehold estate in residential property that is used, intended to be used, or authorized to be used for four or fewer dwelling units from creating a reversionary interest in the property under a ground lease or a ground sublease for a term of years renewable forever subject to the payment of a periodic ground rent. The bill only applies to new ground leases or subleases created on or after January 22, 2007. Leasehold estates of the type prohibited by the bill are recognized at common law and are not prohibited by statute for residential or commercial properties.

TRANSPORTATION

A measure that authorizes a police officer to issue a traffic citation in an electronic format was heard in committee this week. [SB 587](#) requires the Chief Judge of the District Court to authorize the use of a single document for the issuance of multiple traffic citations. The crossfiled measure, [HB 459](#), is scheduled for a hearing at the end of the month.

The federal Real ID Act requires federal agencies to accept only personal identification cards that meet certain standards. To facilitate compliance with the Act, [SB 184](#) and [HB 537](#) prohibit the Motor Vehicle Administration (MVA) 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. A similar measure, [HB 11](#), was withdrawn.

From another approach, [SJ 5](#) protests the implementation of the federal Act. The resolution, which had a hearing this week, declares that Maryland refuses to enact legislation to implement the Real ID Act and urges Congress to repeal it. The crossfiled resolution is [HJ 3](#). Introduced late in the week, [SB 799](#) prohibits the Department of Transportation or the MVA from adopting any regulation or instituting any policy to implement the federal Act, unless the General Assembly enacts certain legislation.