



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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45th DAY

February 23 is the 45th day or the halfway mark of the 2007 session. To date the count for Senate bills is 938 and for House bills is 1,288. The next deadline in the legislative process is the 55th day, March 5, which is the final date for introduction of bills without suspension of the Rules, which requires a two-thirds vote of the elected membership of either house.

PUBLIC SERVICE COMMISSION

Late last week Governor O'Malley named his choices for three of the vacancies on the Public Service Commission (PSC). All must be confirmed by the Senate before taking office. Steven B. Larsen was selected as the next Chairman. Larsen, a former State Insurance Commissioner, was instrumental in stopping the for-profit conversion of CareFirst BlueCross BlueShield. Earlier he served as Chief Legislative Officer for Governor Parris N. Glendening and as staff in the Department of Legislative Reference. Larsen is currently the president and chief executive officer of Amerigroup Maryland Inc., a health insurer. Governor O'Malley's two additional PSC appointees are Susanne Brogan and Harold D. Williams. Brogan, also once staff in the department, was a former legislative aide to Speaker Clayton Mitchell and more recently was a member of the PSC under Governors Schaefer and Glendening. Williams, a current PSC member, was reappointed to a second term. The one remaining member is Allen M. Freifeld, whose term expires in 2009. Charles R. Boutin, whose term expires in 2010 resigned on February 23, effective March 7, 2007.

COURTS AND CIVIL PROCEEDINGS

Under Jewish law, only a husband can grant his wife a divorce decree called a "get" to end a marriage. Without it, an Orthodox Jewish woman is unable to remarry within the faith. [SB 533/HB 324](#) prohibit a court from granting a divorce or annulment until an affidavit is filed by one party to the action, on request of the other party, declaring that all possible steps have been taken by the first party to remove all religious barriers to the other party's remarriage. Both bills had hearings this week.

Also heard this week, [HB 469](#) establishes a Task Force to Study Judicial Involvement with the Legislative Process to examine the issues that arise when the judicial branch of government becomes involved with legislative proposals, identify inappropriate interference, and make recommendations to preserve the separation of powers. A report is due by the end of the year.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Bills that advanced to the opposite chamber this week include:

- [SB 69](#) that establishes the Task Force to Study Prison Violence in Maryland, with a report due by the end of 2008. Part of the task force's charge is to study the impact of illegal drugs and exposure to lead and other pollutants on prison violence; and
- [SB 157](#) that requires each law enforcement agency in the State to write and adopt an eyewitness identification policy that complies with federal standards by December 1 and requires the State Police to compile the policies by February 1, 2008, and make them available for public inspection.

Heard in committee last week, [SB 361](#) requires all cigarettes manufactured or sold in Maryland after June 30, 2008, to be self-extinguishing, with some exceptions for existing inventories. All cigarettes must be tested and meet specific performance standards, and violators are subject to civil penalties. Designed to reduce fires caused by smoldering, unattended cigarettes, a fire-safe cigarette contains two bands of thicker wrapping ("speed bumps") along its length that will not burn when the cigarette is unattended. The companion bill is [HB 785](#).

Committees in both chambers heard testimony this week on bills concerning the death penalty:

- [SB 211/HB 225](#) repeal the death penalty and substitute the sentence of life without the possibility of parole in current provisions of law that call for a death sentence;
- [SB 239/HB 690](#) exempt death penalty protocols from the Administrative Procedure Act. If

successful, the legislation would lift a de facto moratorium on executions that stems from last year's Court of Appeals decision that holds Maryland's death penalty protocols invalid because they are not subjected to the extensive public review that is required by the Administrative Procedure Act; and

- [HB 645](#) adds committing the murder of a victim, witness, juror, or an officer of the court in the course of committing the crime of intimidation against them as an aggravating factor for the purpose of imposing the death penalty.

ECONOMIC AND BUSINESS ISSUES

In response to the growing number of homeowner's insurance providers either cancelling existing policies or denying new policies in coastal areas, [SB 494/HB 620](#) require an insurer that provides homeowner's insurance to provide coverage beyond a "coastal area." The bills define a coastal area as land within 50 feet of the State's coastal waters and include land area contiguous to and within 50 feet of the Atlantic Ocean, the Chesapeake Bay, and major estuaries or streams emptying into either of these bodies of water.

This week the Senate passed [SB 156](#) that addresses insurers, third party claimants, and notice of payment to claimant's attorney. Another measure okayed by the Senate, [SB 236](#), relates to life insurance investment accounts. The companion bill, [HB 248](#), also passed that chamber on Friday.

Legislation, [SB 34 /HB 676](#), authorizing a county, a municipal corporation, or a group of counties or municipal corporations to act as an aggregator that purchases electricity on behalf of customers permits aggregation on an opt-out basis under specified conditions. Similar bills were introduced in the 2005 and 2006 sessions. An additional bill relating to electricity aggregation, [HB 5](#), will be heard next month. Two electric cooperative bills, [SB 66/HB 60](#), have moved out of their respective chambers with matching amendments.

Before a committee this week, [HB 522](#) increases existing limits on the number of winery special event permits that may be issued to a Class 4 Maryland limited winery and authorizes the Comptroller to issue an unlimited number of winery special event permits for use at certain farmers' markets. The companion bill, [SB 425](#), is scheduled for a hearing on March 9.

EDUCATION

Several bills of interest related to scholarship and tuition money were heard recently. [HB 206](#) establishes an Eagle Scout and Girl Scout Gold Award Recipient Scholarship Program. Scholarship amounts of \$2,000 for up to 5 years will be awarded to up to 50 Eagle Scouts and 50 Girl Scout Gold Award recipients on a first-come, first-served basis. To be considered for the award scouts must be a Maryland resident, enrolled in a Maryland institution of higher education prior to the age of 21, and be a candidate for an associate's or bachelor's degree. [HB 6](#) exempts individuals who attended and graduated from Maryland high schools from paying nonresident tuition at public institutions of higher education in Maryland. Except for documented immigrants who do not qualify for the exemption, the exemption applies regardless of residency status.

Other proposals address senatorial and delegate scholarships. [SB 739](#) prohibits senators and delegates from awarding legislative scholarships to their relatives and the relatives of other members of the General Assembly who represent the same district. [SB 179](#), which had a hearing this week, eliminates the scholarships altogether.

Also heard this week, [SB 244](#) (companion [HB 317](#) will be heard in March), entitled the Student Health and Fitness Act of 2007, establishes minimum minutes per week that must be reserved for physical education in public elementary schools. In the 2008-2009 school year, all students in kindergarten through grade 5 must be provided a minimum of 60 minutes per week of physical education. This amount increases by 30 minutes each year until it reaches 150 minutes per week in the 2011-2012 school year.

[SB 552/HB 164](#) require the Board of Public Works to include criteria designed to enhance indoor air quality in relocatable classrooms as part of its minimum specifications for relocatable classrooms that may be purchased with State funds.

ELECTIONS AND ETHICS

Legislation ([HB 273](#), [SB 488/HB 554](#)) to change State law to allow felons to register to vote once their sentences are complete drew a large crowd of advocates to Annapolis. Maryland law now requires a repeat felon to wait three years after the completion of the imposed sentence before the individual is eligible to register to vote. The bill is scheduled for a hearing in early March.

Bills ([SB 1](#) and [HB 201](#)) to amend the Maryland Constitution to allow early voting days have moved to the opposite chambers. The Senate measure includes amended language to prohibit the provisions of the 2006 laws (Chapter 5 and Chapter 61), as they relate to early voting, to take effect even if [SB 1](#) is enacted. The 2006 chapters were struck down as unconstitutional by the Maryland Court of Appeals in August 2006.

FISCAL MATTERS

[SB 395](#) includes as income for corporate income tax purposes the compensation of an officer or director to the extent it exceeds 30 times the compensation of the lowest-paid full-time employee. The bill hearing is scheduled for February 28.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

The Maryland Clean Cars Act of 2007, [HB 131](#), 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. The bill has moved to the Senate with amendments to require MDE to consult with all stakeholders and to consider the needs of the visually impaired when adopting related regulations. Other amended language calls for a report on the program's impact by December 1, 2013, bans the requirement of the use of California reformulated gasoline, and exempts zero-emission vehicles from State emissions inspection. The similarly amended [SB 103](#) has received preliminary approval from that chamber.

The House passed and sent to the Senate [HB 69](#) that provides some local flexibility in the use of Program Open Space funds and restores provisions enacted by [HB 404](#) in 2001, which expired September 30, 2006. [SB 49](#), the cross-filed measure, remains in a Senate committee.

Among the bills heard by a committee this week were [SB 499](#) that expands the types of land that can be included in the calculation of a municipal corporation's groundwater recharge area in conjunction with an application for a water appropriation permit thereby increasing development opportunities. Also heard was [SB 409](#) that establishes the Office of Climate Change within MDE and calls for the reduction of greenhouse gas emissions level in the State to reach those of 1990 by 2020.

Legislation introduced this week establishes the Chesapeake Bay Green Fund to be used for programs aimed at restoring and protecting the water quality of the Bay and its tributaries. [SB 901/HB 1220](#) also create the Impervious Surface Fee to be collected from developers of new buildings, roads, driveways or parking lots and deposited into the fund.

GAMING, RACING, AND SPORTS

Heard this week was [SB 537](#) that creates a Commission on Gambling Addiction within the Department of Health and Mental Hygiene. The commission is charged with studying the effects and costs of gambling addiction, and working with State and local agencies to improve programs for the treatment and prevention of gambling addiction.

Recently introduced, [SB 822](#) prohibits anyone from using, setting, placing, or maintaining a steel jaw leghold trap for the purpose of trapping an animal.

HEALTH CARE AND HEALTH INSURANCE

A Senate committee this week reviewed a range of proposals introduced in that chamber to expand health care access. Characteristics of the bills include:

- expansion of eligibility for already established health care programs ([SB 149](#), [SB 207](#), [SB 489](#), [SB 547](#)) ([SB 207](#) includes an increase in the tobacco tax);
- establishment of a universal health care plan open to all State residents ([SB 474](#));
- creation of a Health Insurance Exchange to provide a choice of plans to participating individuals and employer groups ([SB 617](#)); and
- institution of a Low-Income Health Insurance Premium Support Fund to assist low-income citizens to purchase health care ([SB 619](#)).

Two bills having hearings recently propose pilot prostate cancer screening, treatment, and education programs:

- [HB 461](#), with locations to be determined and geared to the uninsured male population; and
- [SB 283](#), focusing on Southern Maryland residents.

Also under consideration this week, a proposal ([SB 351](#)) for the Department of Health and Mental Hygiene to regulate the State's forensic crime labs; companion [HB 879](#) is scheduled for a hearing early next month. A

House committee looked at an Administration proposal ([HB 130](#)) to assess nursing homes with 45 or more beds a quality assessment fee with continuing care communities excluded. Companion [SB 101](#) has already had a hearing.

STATE GOVERNMENT

As discussed in a House hearing this week, [HB 430](#) requires State contractors to pay their employees a “living wage,” set at \$11.95 for fiscal 2008 and then adjusted for inflation annually. State contractors or subcontractors with a State contract for services valued at greater than \$100,000 must pay the living wage to employees who spend at least half their time during any work week working on the State contract.

However, the living wage requirement does not apply to employees who are under the age of 17 or who work full-time for less than 13 consecutive weeks for the duration of the contract. The current minimum wage in Maryland is \$6.15 per hour.

The legislation also exempts specified State contractors and employees from the living wage requirement, and allows employers to reduce the wages they pay if they provide health insurance to affected employees. Under current law, there is no requirement for a living wage for State contractors.

However, school construction projects are required to pay prevailing wages if 50% or more of total construction costs are paid by the State, unless the project costs less than \$500,000. Several Maryland jurisdictions (Allegany County, Baltimore City) have local prevailing wage requirements for all public works projects.

A Task Force to Study the Enforcement of the Open Meetings Act, created by [HB 612](#), must study the effectiveness of the current enforcement provisions of the law, determine whether stronger enforcement provisions are required to deter violations, and make recommendations to improve enforcement. Under current law, generally, a public body must meet in open session unless authorized to do otherwise.

When meeting in open session a public body is required to provide notice of the meeting which the public is entitled to attend. Public bodies may conduct closed sessions under specified circumstances, including discussing employment matters, consulting with legal counsel, and considering the investment of public funds.

TRANSPORTATION

Each session transportation issues cover a wide range of topics. For example, committee members heard commentary this week on [HB 205](#) that requires the driver of a motor vehicle to yield the right-of-way to a pedestrian in a parking lot. On tap for a hearing next week, [HB 767](#) authorizes the Maryland Automobile Insurance Fund to accept premiums on an installment basis for certain policies issued in the State. And just introduced this week, [HB 1163](#) seeks to ban certain explicit decorations on motor vehicles. Under this bill a person may not display a model, sign, sticker, or other item that depicts or resembles human or animal genitals, human buttocks or human female breasts on motor vehicles.

Correction to Wrap-Up 07-6:

Please note that the Kennedy Award was received by Judge John Hanson Briscoe, County Administrative Judge, St. Mary’s County Circuit Court, 7th Judicial Circuit, 1986 to 2002. Judge Briscoe was a member of the House of Delegates from 1962 to 1979 and House Speaker from 1973 to 1979.