



The Legislative Wrap-Up

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SINE DIE IS COMING

April 9 at midnight will mark the end of the first regular session of the 2007-2011 term of the General Assembly of Maryland. With just over a week remaining, many bills have moved from their chamber of origin to the opposite chamber.

In order for a bill to pass the General Assembly, the bill must be agreed to with identical language by each chamber. To date 2,479 bills have been introduced of which 1,036 are Senate measures and 1,443 are House measures. Of these, five have been signed by the Governor and thus enacted.

FIRST CITIZEN AWARDS

The Senate of Maryland awarded its First Citizen Awards to two distinguished Maryland public servants. As the assembled Senators, Governor Martin O'Malley, other dignitaries, and family looked on, William Donald Schaefer and J. Joseph Curran, Jr. accepted the awards for 2007.

William Donald Schaefer most recently served as Comptroller of Maryland (1999-2007). Earlier he was elected for two terms as Governor (1987-95). Schaefer also served as Mayor of Baltimore City (1971-86) and as a member (1955-71) and President (1967-71) of the City Council.

J. Joseph Curran, Jr. retired this year as Attorney General (1987-2007). His long public career also included a term as Lieutenant Governor (1983-87) and membership in the Maryland Senate (1963-83) and House of Delegates (1959-63).

COURTS AND CIVIL PROCEEDINGS

A Senate committee rejected [SB 516](#) (failed) that would have prohibited discrimination in public accommodations, housing, and employment based on gender identity and expression, as well as discrimination in commercial leasing and State personnel actions based on sexual orientation or gender identity and expression.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Granted Senate committee approval, [HB 10](#) entitles a person who is arrested or confined by police on or after October 1, 2007, and then released without being charged with a crime, to automatic expungement of all related police records.

Legislation that passed to the opposite chamber in identical form related to minors includes:

- Jessica's Law bills ([SB 413/HB 930](#)) that deny parole eligibility to an adult offender during the mandatory minimum portion of a sentence being served for a first or second degree rape or sexual offense committed against a child under the age of 13;
- [SB 170/HB 213](#) (passed a Senate second reading) that designate as a crime of violence the sexual abuse of a minor under the age of 13 involving certain acts by a household or family member or parent or other person who has permanent or temporary care, custody, or responsibility for the supervision of the minor, earning offenders enhanced penalties; and
- [SB 177/HB 53](#) that strengthen State oversight of residential child care programs by requiring that direct care staff members of a licensed public or private facility be at least 21 years old and complete a State-approved training program and that a system be implemented that measures the effectiveness of residential child care programs.

Failing a House vote on third reading last week and subsequently reconsidered and passed to the Senate this week, [HB 992](#) allows for the possibility of parole during a 10-year mandatory minimum sentence for a second offense of certain crimes involving controlled dangerous substances if the offender was not also convicted of a crime of violence arising out of the crime.

The Senate passed [SB 696](#) to restrict the circumstances under which a dog may be left outside and unattended by use of a restraint and to establish misdemeanor penalties for violators.

ECONOMIC AND BUSINESS ISSUES

In a continuing effort to address the concerns of coastal homeowners, a House committee took testimony on an emergency bill that prohibits an insurer from refusing to issue or renew a homeowner's insurance policy solely because the insured address is located in a certain geographic area in the State ([HB 1442](#)).

A Senate committee hearing took place this week on [HB 670](#) to prohibit the possession, purchase, transfer, or offer for sale or use of alcohol without liquid (AWOL) machines. AWOL machines are used to create alcohol vapor that is inhaled. Similar bills were introduced in both the 2005 and 2006 sessions.

Killed by a Senate committee, [SB 562](#) (failed) dealt with electric companies, energy efficiency, and conservation measures and services. The amended House companion bill, [HB 631](#), was heard in the Senate on Tuesday.

EDUCATION

Now under consideration in the opposite chamber:

- [HB 6](#) exempts individuals who attended and graduated from Maryland high schools from paying nonresident tuition at public institutions of higher education in Maryland. With a few exceptions, the exemption applies regardless of residency status.
 - [SB 108/HB 134](#) (Administration bills) prohibit University System of Maryland institutions and Morgan State University from increasing resident undergraduate tuition for the 2007-2008 academic year beyond the rates charged in the 2005-2006 academic year. [HB 134](#) passed a preliminary floor vote in the Senate on Friday.
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ELECTIONS AND ETHICS

On its way to the Governor's desk after winning approval by both chambers, the Voter Registration Protection Act ([SB 488](#)) allows an individual convicted of any crime, with the exception of buying or selling votes, to register to vote if not actually serving a court-ordered sentence of imprisonment, including any term of parole or probation. The House bill on the same subject is scheduled for floor consideration early next week ([HB 554](#)).

Legislation is moving to change Maryland's presidential primary from the first Tuesday in March (March 4,

2008) to the second Tuesday in February (February 12, 2008). [SB 1025/HB 1434](#) are in opposite chambers.

Maryland could be the first state in the country to support the Agreement Among the States to Elect the President by National Popular Vote. This week the Senate sent to the House [SB 634](#) that commits the State's ten presidential electors to the national popular vote winner if the agreement is enacted in the same form by states cumulatively possessing a majority of the electoral votes. The House companion bill, [HB 148](#), got a preliminary green light on the House floor on Friday.

Another bill with action this week makes numerous changes to State election law relating to provisional voting, election judge training and conduct, campaign material, information provided to voters, local election board requirements, and prohibited actions. [HB 309](#) is now in the Senate. Senate legislation addressing public campaign financing for candidates for the General Assembly has moved to the Senate floor ([SB 546](#)).

Requiring voter-verified paper records in Maryland elections has been much discussed this session. However, recently the Senate sent its legislation ([SB 392](#)) from the floor back to committee, thus effectively removing the bill from further consideration. No hearing has been scheduled by that same Senate committee for the House bill ([HB 18](#)), which as passed by the House made implementation contingent on the availability of funds. An amended, "Voter's Bill of Rights" ([SB 63](#)) is now on the House side. The provision requiring a paper trail was removed.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Several environmental bills passed to the opposite chamber this week:

- [HB 786](#), as amended, requires the Department of the Environment to draft regulations and a model ordinance that require the implementation of environmental site design to the maximum extent practical and to evaluate options for a stormwater management fee system. The crossfiled bill, [SB 784](#), amended to read the same, has also passed that body.
- [HB 1403](#), as amended, prohibits construction of an oil or gas transmission or storage facility within critical areas in Anne Arundel County, Baltimore City, or Baltimore County, unless it is in accordance with the federally approved Coastal Zone

Management Program. The crossfiled bill, [SB 996](#), remains in a Senate committee.

- [SB 148/HB 133](#), amended similarly but not identically, create the Oyster Advisory Commission within the Department of Natural Resources (DNR), require DNR to provide maps of areas where oyster harvesting is prohibited, establish penalties, and clarify how a nonstock corporation may lease submerged land in Anne Arundel County for oyster restoration.
- [SB 566](#) allows a wind-powered energy generating facility to be built without the usually required certificate of public convenience and necessity as long as any excess electricity generated is sold only on the wholesale market, the capacity does not exceed 70 megawatts, and an opportunity for local public comment is provided. The crossfiled [HB 1072](#) remains in committee.

[HB 964](#), which extends the prohibition from using hydraulic or mechanical dredges to catch oysters and clams in certain parts of the Chesapeake Bay to the State's Atlantic Coastal Bays, has received Senate preliminary approval. The crossfiled measure, [SB 379](#), failed on the Senate floor this week. Other rejected bills:

- would have created the Solar Energy Grant Fund ([HB 328](#), failed); and
- would have established a Task Force on Renewable Energy ([HB 727](#), failed).

FISCAL MATTERS

[HB 51](#), the "Maryland Consolidated Bond Loan of 2007," has passed third reading in the Senate, authorizing a State debt of \$826.8 million.

Among the Senate amendments are those that:

- delete House language allocating otherwise unallocated public school construction funds by county, leaving the allocation of the remaining funds to the Board of Public Works;
- delete \$3 million for the Oyster Restoration Program;
- delete \$9.2 million for an oyster production facility at the University of Maryland Center for Environmental Science's Horn Point Laboratory that had been added by the House;

- add \$3.5 million for the Pharmacy Hall addition at the University of Maryland, Baltimore;
- add \$28.8 million for the Tawes Building conversion at the University of Maryland, College Park;
- add \$5 million for the New Journalism Building at the University of Maryland, College Park;
- reduce by \$10 million to \$64.2 million the funds for the physical education complex at Coppin State University and add language that the reduction reflects a phased funding schedule over two years; and
- reduce to \$250,000 from \$500,000 the funds for the Maryland Artificial Reef Initiative and include it in the \$10 million for local Senate initiatives.

[SB 230](#), exempting agricultural tourism from the admissions and amusement tax, had a hearing in a House committee on March 29. [HB 621](#), authorizing a county or municipality to exempt agricultural tourism from the admissions and amusement tax, had a hearing in a Senate committee on March 28.

GAMING, RACING, AND SPORTS

Bills that have moved from the first chamber to the second address:

- the statutory restrictions that are currently in place for thoroughbred racing in Maryland ([SB 817](#)); and
- establishment of a Task Force to Study Charitable and Commercial Gaming Activities in Maryland ([HB 125](#)).

HEALTH CARE AND HEALTH INSURANCE

Senate and House committees looked at high profile health-related legislation passed by the opposite chamber. Legislation to reduce the uninsured population by expanding access to health coverage in Maryland differ in scope and funding ([SB 149](#) and [HB 754](#)), most notably with the House bill doubling the State's tobacco tax. Also differing in content are the chambers' passed versions of the Clean Indoor Air Act of 2007. In [SB 91](#), hardship waivers can be issued by local health departments, while [HB 359](#) delegates this responsibility to the Department of Health and Mental Hygiene. Under the Senate legislation, private nonprofit clubs are exempted from the bill's requirements.

Moving toward passage in the Senate and House, [SB 181/](#)[HB 30](#) establish the Oral Health Safety Net to award grants to increase dental provider capacity for the underserved. Both bills have a favorable preliminary floor vote from the opposite chamber.

Amended bills crossing over with scheduled hearings include the Maryland Service Animal Reform Act - "Gretchen's Law" ([HB 505](#)); public awareness campaign for Lyme disease ([HB 836](#)); plan for providing services to Rosewood Center residents and recommendations for permanent State employees ([HB 970](#)); regulation of forensic crime labs ([SB 351/](#)[HB 879](#)); and a health insurance option for small businesses' part-time and temporary employees ([SB 427/](#)[HB 579](#)).

REAL PROPERTY, ESTATES AND TRUSTS

Heavily amended and after lengthy debate, [SB 3](#) was passed on a preliminary vote by the Senate. The bill increases compensation for homeowners, tenants, and business and farm owners who are displaced as a result of a condemnation action. Testimony indicated that the caps on business and farm owner compensation have not been raised in 30 years and are no longer adequate to fairly compensate a business or farm owner displaced by a condemnation action.

STATE GOVERNMENT

Joint resolutions expressing regret for the role that Maryland played in instituting and maintaining slavery and for the discrimination that was slavery's legacy are each in the opposite chamber ([SJ 6](#) and [HJ 4](#)). The House Resolution has progressed to second reading. Resolutions do not require the Governor's approval.

General Assembly agreement is near for legislation to clarify that under Maryland law only the lawfully designated appointing authority of a State employee may terminate that employee. [HB 161](#) is now on second reading in the Senate. The Senate companion bill ([SB 50](#)) has had a committee hearing in the House.

The Senate and the House each passed now identical bills entitled the 2007 Darfur Protection Act – Divestiture from the Republic of Sudan ([SB 543](#) and [HB 1336](#)) to authorize divestiture by the Board of Trustees of the State Retirement and Pension System (SRPS) under certain circumstances. [HB 1336](#) garnered Senate preliminary approval on Friday.

At Friday's floor session, the House supported the Senate's BRAC bill ([SB 110](#)) with a preliminary okay.

The House companion bill ([HB 136](#)) remains in a Senate committee.

TRANSPORTATION

Several measures that address relieving congestion on the Chesapeake Bay Bridge were rejected in committee. [HB 914](#) (failed) would have required the Maryland Department of Transportation (MDOT) to examine and make recommendations on the feasibility of preserving or acquiring the right-of-way for a future monorail transit system that would have run from Annapolis to Kent Island. [SB 40](#) (failed) would have required the Maryland Transportation Authority (MdTA) to stop collecting tolls if traffic approaching the bridge was so congested that eastbound vehicles were waiting 30 minutes or longer to cross.

Crossfiled measures that establish a Task Force to Study the Boating Industry in Maryland are in the opposite chambers. As amended, [SB 165/](#)[HB 305](#) will require the Task Force to evaluate and make recommendations regarding the expansion of the boating industry within the State. [HB 305](#) got a preliminary okay from the Senate on Friday.

Other crossfiled measures that have passed in their respective chambers and are advancing in the second chamber:

- [SB 587/](#)[HB 459](#) require the Chief Judge of the District Court to authorize the use of a single document for the issuance of multiple traffic citations in an electronic format; and
- [SB 640/](#)[HB 747](#) protect consumers with respect to automobile manufacturer's warranties by establishing requirements for a motor vehicle manufacturer's warranty "adjustment program."

Other measures, [SB 519](#) and [HB 571](#), both with amended language, are in the opposite chamber. These bills prohibit the Motor Vehicle Administration (MVA) from issuing a learner's permit to an applicant under 16 years old if the applicant has 10 unexcused absences from school within the prior school semester under the Senate bill, or within the past calendar year under the House bill.

[SB 482/](#)[HB 261](#) (failed) would have prohibited an individual younger than 16 from operating or riding on an all-terrain vehicle (ATV) unless the minor was wearing protective headgear.