



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

Issue 07-13

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## COURTS AND CIVIL PROCEEDINGS

Child support enforcement measures gained final legislative approval this week:

- [SB 154/HB 263](#) establish a statewide Child Support Payment Incentive Program to encourage payments in cases where the right to child support has been assigned to the Child Support Enforcement Administration (CSEA) in exchange for Temporary Cash Assistance. Child support payment arrearages of obligors who are accepted into the program are reduced by 50% after 12 months of uninterrupted court-ordered payments, and after 24 months of such payments, the arrearage balance is reduced to zero; and
- [HB 792](#) authorizes the CSEA to refer to the Attorney Grievance Commission (AGC) an attorney whose child support payments are more than 120 days in arrears. On recommendation of the AGC, the Court of Appeals may suspend an attorney's license or take other action as authorized by the Maryland rules governing attorney discipline.

A proceeding to establish paternity of a child who is dependent on a parent because of a mental or physical infirmity may begin at any time before the child's twenty-first birthday under [HB 536](#) (passed).

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## CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Legislation that passed this week alters law enforcement procedures:

- each law enforcement agency in the State is required to write and adopt an eyewitness identification policy that complies with federal standards ([SB 157/HB 103](#), both passed); and
- a person who is arrested or confined by police on or after October 1, 2007, and then released without being charged with a crime, is entitled to automatic expungement of all related police records. A person arrested or confined before October 1, 2007, and then released with no charge may request expungement of records without the current

requirement to sign a waiver of tort claims arising from the incident ([HB 10](#), passed).

Another passed measure designates as crimes of violence sexual abuse of a minor under the age of 13 involving certain acts by a household or family member, parent, or other person with permanent or temporary care, custody, or responsibility for the supervision of the minor. Also included is engaging in a continuing course of conduct that includes rape or sexual offense against a child under 14 over a period of 90 days or more. Offenders earn enhanced penalties ([SB 170/HB 213](#), both passed).

Legislation known as Jessica's Law has gained legislative approval. If the governor agrees, Maryland law will 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 413/HB 930](#), both passed).

The legislature has strengthened 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. The bill also requires implementation of a system to measure the effectiveness of residential child care programs ([HB 53](#), passed).

[HB 785](#) (passed) requires all cigarettes manufactured or sold in Maryland after June 30, 2008, to be self-extinguishing, with some exceptions for existing inventories.

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## ECONOMIC AND BUSINESS ISSUES

Two passed Administration bills, [SB 104/HB 135](#), establish a Life Sciences Advisory Board (LSAB) in the Department of Business and Economic Development (DBED) to assist DBED in developing a comprehensive State strategic plan for life sciences. Life sciences include biotechnology, pharmaceuticals, biomedical technologies, life systems technologies, food sciences, environmental sciences, and biomedical devices. Also passing both chambers this week are:

- [SB 236/HB 248](#), relating to life insurance investment accounts; and

- [SB 625/HB 345](#), requiring the Workers' Compensation Commission to adopt regulations that establish certain investment guidelines.

Rejected by a Senate committee, [HB 631](#) (failed) dealt with electric companies, energy efficiency, and conservation measures and services. The companion bill, [SB 562](#), also failed.

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## EDUCATION

Unsuccessful measures, [SB 980/HB 206](#), would have established an Eagle Scout and Girl Scout Gold Award Recipient Scholarship Program.

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## ELECTIONS AND ETHICS

The General Assembly agreed to change Maryland's presidential primary date from the first Tuesday in March to the second Tuesday in February ([HB 1434](#), passed). The Senate companion measure is also close to passage. Other measures with momentum this week deal with:

- the Agreement Among the States to Elect the President by National Popular Vote ([SB 634/HB 148](#));
- a Voter's Bill of Rights document ([SB 63](#)); and
- sponsor identification with prerecorded phone messages that relate to a candidate, prospective candidate, or the approval or rejection of a question related to an election ([HB 589](#)).

Creating a voter-verifiable paper trail for ballots is still under consideration with the revival of [SB 392](#). The amended proposal has passed the Senate and was sent to the House. Senators were also set to discuss the Public Campaign Financing Act for Candidates for the General Assembly ([SB 546](#)).

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## ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Legislation to improve air quality in the State met with success this session. The Maryland Clean Cars Act ([SB 103/HB 131](#), both passed) requires the Department of the Environment (MDE), in consultation with the Motor Vehicle Administration, to establish a low emission vehicle program applicable to vehicle model years 2011 and beyond. MDE must consult with all stakeholders and consider the needs of the visually impaired when adopting related regulations.

Additionally, under an amended [SB 566](#), a wind powered energy generating station may be built without a certificate of public convenience and necessity as long as certain conditions are met. Final passage is pending an agreement on differences between the Senate and House versions. Bills meant to improve the quality of the Chesapeake Bay and the State's Coastal Bays:

- extend the prohibition from using hydraulic or mechanical dredges to catch oysters and clams in parts of the Chesapeake Bay to the Coastal Bays, effective 2008 ([HB 964](#), passed); and
- create the Oyster Advisory Commission within the Department of Natural Resources (DNR), require DNR to provide maps of areas where oyster harvesting is prohibited, and establish penalties ([SB 148](#), passed). The similarly amended [HB 133](#) moved to the Senate floor on Friday.

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## FISCAL MATTERS

The Governor has submitted Supplemental Budgets No. 3 and No. 4:

- Supplemental Budget No. 3 provides an additional \$30 million for the University of Maryland, College Park for increased auxiliary and other non-state expenditures and an additional \$29.8 million for increased Medical Assistance payments to nursing homes contingent upon the enactment of [SB 101/HB 130](#) that impose an assessment on nursing homes meeting specified criteria; and
- Supplemental Budget No. 4 provides an additional \$20 million for the Prince George's Hospital Center for fiscal 2007 contingent upon the enactment of [HB 510](#) or other legislation establishing the Prince George's County Hospital Authority and obligating Prince George's County to provide hospital funding or, if the legislation fails, providing \$20 million for fiscal 2007 to close the hospital.

[HB 621](#), concerning the applicability of the admissions and amusement tax to agricultural tourism events, has passed second reading in the Senate with amendments prohibiting a county from imposing this tax on agricultural tourism events. [SB 230](#), imposing the same restrictions, is in a House committee.

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## HEALTH CARE AND HEALTH INSURANCE

[SB 91](#), the Clean Indoor Air Act of 2007, has been referred to conference committee to resolve differences

in Senate and House versions, which include how hardship waivers are to be issued to eligible business and the exemption for nonprofit private organizations. The Senate and House have also passed differing versions of the companion bill, [HB 359](#).

Withdrawn from consideration, [HB 1010](#) would have exempted direct sales of milk from regulation. Receiving an unfavorable committee vote, [SB 362](#) (failed) would have altered the definition of and expanded the prohibition against human cloning and established civil penalties for violators.

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## REAL PROPERTY, ESTATES, AND TRUSTS

This week several ground rent bills gained final passage ([SB 397/HB 452](#), [SB 398/HB 502](#), [SB 623/HB 489](#), and [SB 755/HB 458](#)). Companion measures passed both chambers with differences ([SB 396/HB 463](#) and [SB 622/HB 580](#)). Two measures, [SB 883/HB 1284](#), are moving toward passage in the opposite chamber.

An amended eminent domain proposal ([SB 3](#)) increases compensation for homeowners, tenants, and business and farm owners who are displaced as a result of condemnation. On Friday, the bill had passed a second reading vote on the House floor with House amendments that include a change in the time frame for filing an action for condemnation.

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## STATE GOVERNMENT

Several Administration bills cleared the General Assembly this week. The bills establish in State government:

- a Base Realignment and Closure (BRAC) subcommittee to plan and coordinate State support for the expected influx of personnel and households into Maryland under the federal BRAC process ([SB 110/HB 136](#)); and
- StateStat, an accountability tool, previously applied in Baltimore City, to measure progress by setting goals, collecting data, and requiring managers to report to the Governor on a regular basis ([SB 102/HB 137](#)).

Responding to recommendations by a special legislative committee, the General Assembly gave final approval to legislation that:

- clarifies that under Maryland law only the lawfully designated appointing authority of a State employee

may terminate that employee ([HB 161](#)). The companion bill, [SB 50](#), is also poised to pass; and

- addresses State law related to special appointments, terminations, employee evaluations, and position description notification. The bill also requires a review of State law related to at-will employees, special appointments, and management service employees in the Executive Branch ([HB 162](#)). The companion bill, [SB 2](#), is close to passage.

After lengthy discussion on Friday, the House passed Living Wage legislation that requires contractors and subcontractors to pay employees minimum wage rates under State procurement contracts. As amended, the minimum wage for workers in urban areas (Montgomery, Prince George's, Howard, Anne Arundel, and Baltimore Counties and Baltimore City) is \$11.50 per hour and in any other areas of the State it is set at \$8.50 per hour. The legislation provides for exemptions and reductions under specified circumstances ([HB 430](#)).

A number of bills to commemorate a date, person, or event of importance to Maryland did not advance this session ([HB 82](#), [HB 752](#), [HB 471](#), [HB 1274](#), [SB 406/HB 828](#)). Two bills that remain viable designate:

- May 27 as Rachel Carson Day ([SB 331](#)); and
- June 20 as Maryland Charter Day ([SB 5](#)).

A Senate bill ([SB 240](#)) to designate January and February as Black History Months passed that body this week.

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## TRANSPORTATION

Withdrawn from consideration, [HB 11](#) would have put Maryland in compliance with the federal REAL ID Act of 2005. The legislation would have prohibited the Motor Vehicle Administration from issuing a new driver's license to anyone who could not provide documentation that the individual was lawfully present in the United States. [HB 537](#) was another unsuccessful measure on the same subject. A House joint resolution was also withdrawn, but [HJ 3](#) and its companion, [SJ 5](#), protested the implementation of the REAL ID Act, requesting Congress to repeal it.

*Bill status is current as of 1:00 PM on 4/6/07.*