



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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## BILL INTRODUCTIONS AND DEADLINES

The bill count for the 2008 session stands at 300 from the Senate and 378 from the House, with bill introduction deadlines approaching. February 1 is the Senate bill introduction date and February 8 is the House introduction date. Legislation introduced after those dates is sent to the Rules Committees of each chamber and then must be referred to a standing committee for consideration.

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## IN MEMORIAM

Senator J. Robert Hooper (Republican, District 35, Harford County) resigned from the Senate on December 31, 2007, because of ill health. He passed away at his home in Street, Maryland on Thursday, January 24, 2008. Senator Hooper, the owner of Harford Sanitation Services, Inc. from 1954 until his death, had served on the Harford County Council from 1982 to 1990 and had long been active in local community affairs. He was elected to the Maryland Senate in 1998 and reelected to a third term in 2006. In the Senate, he most recently served on the Finance Committee, Special Committee on Substance Abuse, Joint Committee on Access to Mental Health Services, and the Executive Nominations Committee. Senator Hooper also was a member of the Maryland Legislative Sportsmen's Caucus, the Maryland Rural Caucus, the Taxpayers Protection Caucus, and the Maryland Veterans Caucus.

Services for Senator Hooper are scheduled for Tuesday, January 29, at noon in Bel Air, Maryland. Both the Senate and the House will convene their floor sessions early to allow time to attend the funeral.

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## ADMINISTRATION BILLS

A number of bills in the Governor's legislative package were introduced in the Senate and House this week. Along with the Budget Bill ([SB 90/HB 100](#)) and the Capital Budget measure ([SB 150/HB 155](#)) that were introduced earlier, these bills are identified as Administration measures and are sponsored on behalf of the Governor by the President or the Speaker. Other legislators may co-sponsor these bills and frequently do.

Administration legislation introduced this week addresses a number of subjects:

- Public safety bills focus on the collection of DNA samples from offenders charged with a crime of violence or burglary at the time of their arrest ([SB 211/HB 370](#)), divestiture by the State's Retirement and Pension System from foreign companies with substantial investments in Iran's petroleum-energy sector ([SB 214/HB 371](#)), and authorization to use speed monitoring systems in all counties and in highway work zones ([SB 269/HB 364](#));
- Business and economic development legislation seeks to leverage State and private sector investment to support infrastructure related to BRAC-related growth ([SB 206/HB 366](#)) and to consolidate the State's adult education and literacy services under the Department of Labor, Licensing and Regulation, the lead agency for workforce development and job training ([SB 203/HB 367](#));
- Environmental initiatives propose a mechanism for spending the Chesapeake Bay 2010 Trust Fund cleanup money on projects to prevent stormwater runoff and agricultural practices that pollute the Bay ([SB 213/HB 369](#)), and support transit-oriented development (TOD) or clustering commercial, residential and retail development at transit stations, of which Maryland already has 75 ([SB 204/HB 373](#));
- Energy conservation measures set a goal of reducing statewide per-capita consumption and peak demand by 15% by 2015 ([SB 205/HB 374](#)), establish a Solar and Geothermal Tax Incentive and Grant Program ([SB 207/HB 377](#)), require that all new and significantly renovated State buildings over 7,500 square feet, including public schools, meet a national green building standard ([SB 208/HB 376](#)), raise the Renewable Portfolio Standard (RPS) percentage requirements that apply, with certain exceptions, to all retail electricity sales in the State by electricity suppliers ([SB 209/HB 375](#)), and establish a new energy investment program and fund directed toward a regional greenhouse gas initiative ([SB 268/HB 368](#));

- State government legislation consolidates State information technology matters in a new Department of Information Technology ([SB 212/HB 362](#));
- Veterans' legislation relates to enhancement of behavioral health services for Maryland veterans of the Afghanistan and Iraq conflicts ([SB 210/HB 372](#)); and
- Mortgage sector proposals require a longer timetable and more notice to homeowners facing foreclosure ([SB 216/HB 365](#)), create a criminal mortgage fraud law ([SB 217/HB 360](#)), modify current law to increase the protection of homeowners in foreclosure rescue transactions ([SB 218/HB 361](#)), and strengthen credit laws related to mortgage loans and other extensions of credit ([SB 270/HB 363](#)).

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## STATE OF THE STATE

On Wednesday, January 23, the chamber of the House of Delegates was host to Governor O'Malley who presented his second annual State of the State address to members of the Senate and House jointly assembled. A large number of dignitaries were present including Lieutenant Governor Brown, three former Governors, all cabinet secretaries, and the Chief Judge of the Court of Appeals, as well as Maryland's State Treasurer, Comptroller, and Attorney General. Several county executives and mayors were also in attendance.

Among the many priorities outlined in the speech were initiatives to fight violent crime including collection of DNA at the time of arrest for a violent crime, rather than on conviction, and adding more parole and probation officers. Efforts will continue to improve the juvenile justice system by using Global Position System technology to track offenders and by adding new juvenile detention and treatment centers. The Governor also pledged to promote energy conservation to avert expected widespread shortages in coming years and to increase regulation of the power market in order to hold down electricity costs. Under his plan, college tuition at State institutions will be frozen for another year and State laws will be restructured to counter the plight of homeowners subject to mortgage foreclosures. Steps will be taken to strengthen the State's Critical Area law and increase protection for the Bay. Supporting mass transit projects including rail lines and encouraging cluster development around transit centers were highlighted.

## CRIMES, CORRECTIONS, AND PUBLIC SAFETY

House committee members heard testimony this week on [HB 2](#) that makes it easier to acquire a permit to carry, wear, or transport a handgun. The bill eliminates the requirement that the Secretary of State Police find that the permit applicant has a good and substantial reason to carry a handgun, such as that the permit is necessary as a reasonable precaution against apprehended danger. All other requirements for the issuance of a handgun permit are unaffected by the bill.

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## FISCAL MATTERS

The Governor has submitted his \$1.5 billion capital budget, which includes a net borrowing of \$935 million in general obligation bonds. The capital budget does not consist of one bill, rather it includes \$872.1 million in general obligation bond funds in the "Maryland Consolidated Capital Bond Loan of 2008" ([SB 150/HB 155](#)) and approximately \$63 million in additional bond authorizations, along with funds in the Budget Bill ([SB 90/HB 100](#)) and academic revenue bonds.

Under the Maryland Constitution, a bond bill may not pass until the Budget Bill has passed. The General Assembly may increase the authorization for a project or add a project in a bond bill, as well as delete or reduce projects.

Capital budget allocations include:

- Public school construction receives \$327.4 million largely in general obligation bond funds;
- State colleges and universities receive an additional \$ 201.8 million, and community colleges, an additional \$81 million;
- Program Open Space receives \$68.5 million, including \$3 million in federal funds;
- The Rural Legacy Program receives \$18.5 million, of which \$13.5 million is Program Open Space funds;
- The Community Parks and Playgrounds program receives \$5 million;
- The Department of the Environment receives \$300 million for water and wastewater projects in [SB 150/HB 155](#) and in the Budget Bill, including \$138 million for the Enhanced Nutrient Removal Program, \$90 million for the Maryland Water Quality Revolving Loan Fund, and \$5 million for sewer rehabilitation;

- The Agricultural Land Preservation Program receives \$45.7 million in State and federal funds in the Budget Bill;
- The Community Health Facilities Grant Program, which provides capital funds for mental health, developmental disabilities, and substance abuse community centers, receives \$8.5 million, while the Federally Qualified Health Centers Grant Program receives \$2.7 million;
- The Chief Medical Examiner’s Office receives \$47.8 million for a new forensic medical center;
- The Partnership Rental Housing Program, a grant program to help construct low-income rental housing, receives \$6 million, and there is an additional \$1.5 million for grants for homeless shelters; and
- Local detention centers receive \$19.8 million.

## STATE GOVERNMENT

Two proposals add Smith Island cake and “Ronald Reagan Day” to the list of Maryland’s State symbols and designations. Over 90 Delegates are sponsoring the bill to honor the most famous dish of Smith Island, Maryland’s only inhabited offshore island in the Chesapeake Bay. The Smith Island cake has been served for generations at holidays, special events, and church dinners. The cake features eight to ten thin layers of cake separated by frosting, and usually is served as a yellow cake with chocolate icing, but also is made in other flavors such as coconut, fig, and strawberry ([HB 315](#)).

If a Senate resolution passes, beginning on the anniversary of his birth, February 6, 2008, and each year thereafter, Maryland will celebrate “Ronald Reagan Day.” The resolution states, “President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California, and President of the United States.” Reagan, the 40<sup>th</sup> President of the United States, served from 1981 to 1989. He died in 2004 ([SJ 1](#)).

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## HEALTH CARE AND HEALTH INSURANCE

This week, a committee heard [HB 81](#) that establishes a task force to study the regulation of artificial trans fat to determine recommendations for statewide regulation. Currently, Maryland law does not address the issue of trans fats, but Howard and Montgomery Counties have adopted regulations. Legislation has been proposed in a number of states nationwide regarding this concern.

Introduced last week, [SB 65](#) expands coverage of child dependents required in the individual and group health insurance market in the Comprehensive Standard Health Benefit Plan (CSHBP). CSHBP is a standard health benefit package that carriers must sell to small businesses (2 to 50 employees). Chapter 637 of the 2007 session ([HB 1057](#)) requires insurers, nonprofit health service plans, and HMOs to allow a child dependent (as defined in federal law) to remain on an insured’s plan until age 25, but did not apply to CSHBP. The bill was heard on January 23.

On January 22, a committee took testimony on [HB 62](#), which addresses the prohibition of the manufacturing or sale of children’s products, including toys, jewelry, or consumable products, such as candy, that contain lead. The bill also authorizes the Department of Health and Mental Hygiene to conduct inspections of factories, warehouses, and other establishments at a reasonable time. A “lead containing product” is defined as a product that contains lead in a concentration of more than 0.02 % of the product’s total weight. A hearing for the companion bill, [SB 97](#), is scheduled for next week.

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## TRANSPORTATION

Talking on a cell phone or text messaging are two activities that may cause a driver to be inattentive while operating a moving vehicle. [SB 2](#) prohibits a driver of a school vehicle that is carrying passengers and is in motion, a holder of a learner's instructional permit or provisional driver's license who is 18 years of age or older, and any other driver of a motor vehicle that is in motion from using a hand-held wireless communication device except in certain circumstances. The prohibitions do not apply to emergency use of a wireless communication device, including calls to 9-1-1, as well as to a hospital, ambulance service provider, fire department, law enforcement agency, or first aid squad. Law enforcement or emergency personnel when acting within the scope of official duty are also exempt.

To protect children under the age of 16 from head injuries while driving or riding on all-terrain vehicles (ATVs), two bills ([SB 28](#) and [HB 114](#)) prohibit an individual younger than age 16 from operating or riding on an ATV, unless the individual is wearing protective headgear that meets the Motor Vehicle Administration’s standards for motorcycle helmets. The Senate proposal was before a Senate committee this week.