



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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BILL INTRODUCTIONS

To date the bill numbers are up to 514 from the Senate and 701 from the House. The Senate bill introduction deadline is February 1 and the House bill introduction deadline is February 8. Legislation introduced after these dates is referred to each chamber's Rules Committee, whose members then may vote to refer the legislation to a principal standing committee for consideration.

APPOINTMENT

David C. Harrington, currently Chairman of the Prince George's County Council, has been selected by the County Democratic Central Committee to fill the Senate seat of former Senator Gwendolyn T. Britt, who died in early January. Mr. Harrington has been a member of the County Council since 2002, and previously served as Mayor of Bladensburg. Governor O'Malley is expected to confirm Harrington as the new Senator from District 47 in the near future.

COURTS AND CIVIL PROCEEDINGS

[HB 262](#), heard this week by a committee, authorizes the Secretary of the Department of Human Resources to establish an alternative response to selected reports of child abuse or neglect, allowing the department to respond to allegations of child abuse or neglect based on the level of risk to the child. Under the proposed system, reports of more severe abuse or neglect with higher safety concerns receive a traditional investigation. Reports with low or no safety concerns receive an alternative response of a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs. Parents are given the opportunity to recognize problems and participate in services and needed supports. The department must submit a preliminary assessment of alternative response and recommendations for continuing the program by October 1, 2012.

Bills affecting the institution of marriage in Maryland are scheduled for hearings later this month. They include:

- Family Law – Covenant Marriage ([SB 168](#)) authorizing “covenant marriage” in Maryland, in

which a man and a woman agree to participate in premarital counseling, make all reasonable efforts to preserve the marriage, including marital counseling, and accept limited grounds for divorce;

- Maryland's Marriage Protection Act ([SB 169](#)), a constitutional amendment establishing that only a marriage between a man and a woman is valid in this State and a civil union or relationship between persons of the same sex, by whatever name or title, that confers the benefit of marriage is not valid in the State; and
- The Religious Freedom and Civil Marriage Protection Act ([SB 290](#) and [HB 351](#)) declaring that only a marriage between two individuals who are not otherwise prohibited from marrying is valid in Maryland and that a church official is not required to solemnize a marriage in violation of the official's right to the free exercise of religion. Under current law, only a marriage between a man and a woman is valid.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Adults convicted, or juveniles found delinquent, of malicious destruction of property by graffiti may temporarily lose their driver's license under enhanced penalty provisions proposed in [HB 161](#), heard this week in committee. The bill authorizes a court to order the Motor Vehicle Administration to suspend a driver's license for a maximum of six months for a first offense and a maximum of one year or until the juvenile reaches the age of 21, whichever is longer, for a subsequent offense.

Current law requires collection of a DNA sample from persons convicted of a felony, fourth degree burglary, or breaking and entering into a vehicle. A House committee this week took testimony on legislation that expands that requirement to include collection from individuals arrested for those crimes ([HB 107](#)) or for first or second degree rape ([SB 51](#)). [SB 333](#), which is a companion bill to [HB 107](#), and Administration bills that expand collection of DNA samples to individuals arrested for a crime of violence, burglary, or breaking and entering into a vehicle ([SB 211/HB 370](#)), are scheduled for hearings on February 13.

EDUCATION

The Textbook Fairness Act ([HB 3](#)) seeks to restrain the cost of textbooks for higher education students. The bill includes provisions that:

- allow for better advanced notification of required course textbooks via an institution's website to afford students time to shop various avenues, such as bookstores and online retailers, in order to choose the best price; and
- eliminate financial incentives that may be offered to an institution's staff to encourage the choice of certain texts or "bundled" books for required course material. These bundles may include software or workbooks that, although relevant to the textbook, may not be necessary for class instruction.

Also recently heard in committee, [SB 49](#) proposes that the Maryland Higher Education Commission (MHEC) subject its recent and future decisions about potentially unnecessary duplicative programs to review if requested to do so by a historically black institution (HBI). Similar to bills introduced in previous sessions, [SB 49](#) would allow HBI's to challenge newer programs of study introduced at universities that may draw students away from an HBI's similar and established program. In addition, the bill ensures the upholding of the State's agreement with the U.S. Department of Education Office for Civil Rights, as well the State's equal educational opportunity obligations.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Testimony was heard this week on [SB 208](#), an Administration bill that requires new State buildings and renovations to use energy-efficient techniques. Applying to state-funded school construction as well, this high performance building requirement is one of the recommendations of the Task Force on Green Building. There has been no action on the companion bill, [HB 376](#).

Citizens also testified on two bills that relate to solar collection panels. [HB 84](#) prohibits municipalities from imposing unreasonable limitations on the installation of solar collection panels on the roof of buildings, and clarifies restrictions that homeowners associations may impose. [HB 71](#) provides a similar clarification for condominiums. A hearing is scheduled on February 7 for a similar bill, [HB 117](#), which also creates a solar easement.

FISCAL MATTERS

The Budget Bill ([SB 90/HB 100](#)) includes \$6.8 million for the optical-scan voting equipment that provides a paper voting trail pursuant to Chapters 547 and 548 of 2007.

[SB 239](#) repeals the requirement that homeowners file an application with the State Department of Assessments and Taxation to receive the homestead property tax credit. This requirement was added by Chapters 564 and 565 of 2007. The bill had a committee hearing on January 30.

TRANSPORTATION

Among transportation-related bills that will be considered this session are:

- [SB 454/HB 255](#) that require, under certain circumstances, that drivers approaching emergency or police vehicles stopped, standing, or parked on a highway and using any visual signals, except when otherwise directed by a police officer, to vacate the lane closest to the emergency or police vehicle if possible, or to slow down to a speed that is sufficient to ensure the safety of police officers or emergency services personnel;
- [SB 269/HB 364](#) that authorize the use of speed monitoring systems in all counties and in specified highway work zones;
- [HB 380](#) that prohibits the use of a text messaging device to write, send, or read a text message while driving; and
- [HB 134](#) that prohibits transporting a pet in or on a truck or trailer on a highway, unless the truck or trailer is enclosed on the sides and top or unless the pet is confined in a cage, crate, or harness in a manner that prevents the pet from falling, jumping, or otherwise exiting the truck or trailer.

This week the Senate passed and sent to the House an amended [SB 28](#) that now establishes an All-Terrain Vehicle (ATV) Safety Task Force. The task force is required to report to the Governor and the General Assembly in December 2008, with a final report due at the end of May 2009. Originally, the bill prohibited 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. A similar bill, [HB 114](#), is scheduled for a House hearing on February 12.