



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

---

Issue 09-5

February 9-13, 2009

---

*(Click on Issue above for previous Wrap-Ups)*

## BILL DEADLINES PASS

Bill introduction deadlines have passed in both the Senate and the House. 915 Senate bills and 8 joint resolutions and 1,307 House bills and 5 joint resolutions are before the Assembly.

---

## SPEAKER'S MEDALLION, THOMAS KENNEDY, AND FOUNDER'S AWARDS

In conjunction with the Speaker's Society, an annual event established in 1995 for current and former delegates to meet together, several awards were created to recognize Marylanders of merit. The Speaker's Medallion is given to an individual chosen for his or her exemplary service to the House of Delegates and the State of Maryland. The Thomas Kennedy Award is presented to a former member of the House of Delegates in recognition of an outstanding career of service. Both are given in memory of [Thomas Kennedy](#), a former member of the House. Through Kennedy's efforts, in 1826 the General Assembly extended the same rights and privileges enjoyed by Christians to people of the Jewish religion.

This week, the Speaker's Medallion was awarded to William C. Baker, President of the Chesapeake Bay Foundation. Mr. Baker was recognized for dedicating his entire career to the preservation of the Chesapeake Bay, through the advocacy efforts and educational programs of the Foundation.

The 2009 Thomas Kennedy Award was given to the Honorable Harry R. Hughes, Governor of Maryland from 1979 to 1987. Governor Hughes served in the Maryland House of Delegates from 1955 to 1959, in the Maryland Senate from 1959 to 1970, and as State Secretary of Transportation from 1970 to 1977.

Since 2003, the Speaker of the House also annually presents the Casper R. Taylor, Jr. Founder's Award to a sitting member of the House of Delegates for steadfast commitment to public service and to the integrity of the House of Delegates. The 2009 recipient is Delegate Mary Ann Love of Anne Arundel County. Delegate Love is a 17-year veteran of the House of Delegates.

## COURTS AND CIVIL PROCEEDINGS

The statute of limitations for civil actions by victims of child sexual abuse is extended from 7 to 32 years from the date that the victim reaches the age of 18 under [SB 238/HB 556](#). The bills contain a two-year retroactive provision under which actions that were barred solely because the statute of limitations had expired as of January 1, 2010 may be revived, so long as the action is commenced before January 1, 2012. [SB 238](#) had a hearing last week.

Several bills address the safety of domestic violence victims granted protective orders. [SB 210](#) and [SB 267/HB 296](#) require a final protective order to mandate the respondent to surrender to law enforcement authorities any firearm in the respondent's possession and to refrain from possession of any firearm for the duration of the protective order. Under current law, a final protective order *may* order the respondent to surrender to law enforcement any firearm in the respondent's possession for the duration of the order.

[SB 144](#), [SB 268/HB 302](#), and [HB 214](#) authorize a court, when issuing a temporary protective order, to order the respondent to surrender to law enforcement any firearm in the respondent's possession for the duration of the protective order. [SB 144](#) and [SB 268/HB 302](#) also require a law enforcement officer to give a respondent who surrendered a firearm pursuant to a temporary or final order information on the process for retaking possession of firearms at the expiration of the order and provide safe storage of the firearm while the protective order is in effect.

---

## CRIMES, CORRECTIONS, AND PUBLIC SAFETY

[SB 159/HB 99](#), heard last week, repeal the prior notice requirement that specifies that a plaintiff may not bring an abatement action concerning a drug-related nuisance on a commercial property until 45 days after the tenant and owner of record receive notice that a nuisance exists.

Legislation ([SB 181/HB 88](#)) to exert tighter control over gun offenders prohibits a District Court commissioner from authorizing the pretrial release of a defendant charged with certain firearms offenses if the defendant

has been previously convicted of one of those crimes. [SB 182/HB 87](#) decrease the number of good conduct credit days per month, from 10 to 5, that an inmate who is serving a consecutive or concurrent sentence for illegal possession of a regulated firearm and was previously convicted of a crime of violence or drug crime is allowed as a deduction in advance from the inmate's term of confinement.

The Senate passed [SB 127](#) to provide that persons convicted of 16 enumerated offenses are not eligible for an award from the Criminal Injuries Compensation Fund. The bill also prohibits the Criminal Injuries Compensation Board from allowing the inspection, use, or disclosure of a name, address, telephone number, or Social Security number provided to the board for a victim or a claimant who is a victim of a sexual offense. The companion bill is [HB 261](#).

---

## ECONOMIC AND BUSINESS ISSUES

Legislation concerning the sale of United States and State of Maryland flags received an unfavorable committee vote this week. [SB 20](#) (failed) would have prohibited the sale of U.S. and State flags in Maryland unless they were manufactured in the United States. However, this week the Senate passed related legislation. As amended, [SB 7](#) requires that United States and State of Maryland flags displayed on State property and purchased with State money be manufactured in the United States. Its companion bill is [HB 7](#). Other states, including Minnesota, Tennessee, and Arizona, have passed varied forms of legislation regarding the sale, purchase, and display of flags manufactured in the United States.

---

## EDUCATION

As the cost of college textbooks has increased faster than inflation, calls to curb the increases have led to action at the State and federal level. Although 2008 Maryland legislation to address the issue did not pass, a federal law effective in July 2010, has similar provisions but more comprehensive measures are being discussed in Maryland this year. The College Textbook Competition and Affordability Act of 2009 ([SB 183/HB 85](#)) requires disclosure of specific information about college textbooks including the publication of international standard book numbers (ISBNs) to an institution's website in conjunction with the class schedule. Among other requirements, each postsecondary education public institution must develop a campaign to make faculty aware of textbook issues including any price variances in

bundled and unbundled course materials and must adopt a best-practices process for faculty in textbooks and course material selection.

Similarly, [SB 374/HB 854](#) require institutions of higher education to publish ISBNs and the retail price for course material on the institution's Internet course schedule. The bills also require that institutions must include information about both bundled and unbundled versions of textbooks. Bundled versions of textbooks, containing supplemental products such as CD-ROMs, contribute to increased textbook costs. Unbundled materials are less expensive, but without an ISBN, the cheaper textbook could be harder to find.

---

## ELECTIONS AND ETHICS

Over 50 bills have been introduced concerning various aspects of election law. Two bills change the procedure for filling vacancies in the U.S. Senate. The measures require the Governor to call a special election to fill the vacancy between 60 and 90 days after the vacancy occurs. [HB 278](#) takes effect on July 1, 2009, and [HB 369](#) applies to any vacancy that occurs after the beginning of the term of the Governor in 2015. Under current law, the Governor appoints an eligible individual to fill the vacancy. In both the new proposals and in current law, other factors come into play when a Senate vacancy occurs close to a primary or general election date.

---

## ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

### *Greenhouse Gas Emissions*

Testimony was heard this week on [SB 278](#) that requires the State to reduce greenhouse gas emissions by 25% from 2006 levels by 2020, and requires the Department of the Environment (MDE) to develop a plan to do so by 2012. A hearing has not yet been scheduled for the crossfiled measure, [HB 315](#).

### *Green buildings*

Committees have heard testimony on bills that pertain to constructing buildings that use less energy to build and operate:

- [SB 212/HB 154](#) expand the responsibilities of the Maryland Green Building Council to include providing recommendations on how to expand green building in the State.
- [SB 243/HB 226](#) allow new or renovated State buildings and new school buildings to use the less costly Green Globe certification developed by the

Green Building Initiative (GBI) to qualify as a high-performance building. Chapter 124 of 2008 requires that the buildings use the Leadership in Energy and Environmental Design (LEED) certification, which is estimated to cost \$6,000 more than GBI's certification.

Related bills include:

- [SB 686/HB 541](#), which require community college capital projects that receive State funds to meet the High Performance Buildings standards; and
- [SB 625](#), which requires the Department of Housing and Community Development to adopt the International Energy Conservation Code as part of the Maryland Building Performance Standards.

#### *Bay Restoration Fund*

Testimony has been received on several bills that modify the uses of the Bay Restoration Fund, created in 2004 and funded in part by fees collected from users of septic systems and sewage holding tanks:

- [HB 176](#) requires all new septic systems to utilize the best available nitrogen removal technology and requires MDE to use money from the Bay Restoration Fund to assist homeowners in paying the difference between the cost of those systems and the cost of conventional septic systems.
- [HB 221](#) reverses the distribution of bay restoration fees collected from users of septic systems and sewage holding tanks so that 60% is distributed to the Maryland Department of Agriculture for cover crop activities and 40% is deposited into the Septics Account of the Bay Restoration Fund within MDE.
- [HB 346](#) expands the uses of the Bay Restoration Fund to include costs incurred by local governments in inspecting projects to ensure the long-term performance of nitrogen-removing septic systems.

#### *Sewage Sludge*

Testimony has also been heard on [HB 135](#), which prohibits MDE from issuing a sewage sludge permit for a site unless the site meets all county zoning and land use requirements or ordinances. Testimony will be heard on a similar bill, [SB 432](#), February 24. A hearing is scheduled February 24 on [HB 529](#), which creates the Oversight Committee on Sewage Sludge Utilization and establishes requirements for septage haulers.

#### *Fly-Ash*

Also heard last week was a bill that establishes a permit process for a coal combustion byproduct facility, [HB](#)

[128](#). The bill prohibits such a facility in a Critical Area. [HB 804](#), introduced this week, similarly establishes a permit process, but also includes notice and reporting requirements.

---

### FISCAL MATTERS

A proposed constitutional amendment makes it more difficult for the General Assembly to increase taxes or to impose new taxes. [SB 747/HB 684](#), the "Taxpayer Protection Act," requires a three-fifths majority in each chamber of the General Assembly for a bill creating a new tax or increasing or expanding a tax to pass. Currently, a tax bill only requires approval by a majority of the membership of each chamber. However, all proposed constitutional amendments must pass with a three-fifths majority of each chamber and then must be ratified by the electorate.

[SB 644](#) permits local jurisdictions to grant a property tax credit to a marine trade waterfront property which includes marinas, boat hauling and repair facilities, fishing facilities, boating facilities, and land on which there is an activity or business requiring marine water access.

---

### GAMING, RACING, AND SPORTS

[SB 49](#) and [SB 102](#) authorize counties statewide to license slot machines that are owned and operated by eligible nonprofit organizations. Currently eight Maryland counties have authorization to license slot machines to eligible nonprofit organizations who meet certain requirements. All other provisions of current law regarding licensing and administrative procedures continue to apply. [HB 608](#) is the companion bill to [SB 102](#).

---

### HEALTH CARE AND HEALTH INSURANCE

#### *Small Business Health Insurance Stimulus Act*

Last week, a committee discussed the Small Business Health Insurance Stimulus Act ([HB 4](#)). The bill expands eligibility for the Small Employer Health Benefit Subsidy Program to include small employers that have previously offered a small employer health benefit plan to their employees. This legislation relates to Chapter 7 of the 2007 Special Session, which included a provision that required that, at the initial time of application for the subsidy, the small employer had not offered a small employer health benefit plan to its employees for at least 12 consecutive months. The Small Business Health Insurance Stimulus Act eliminates this requirement.

### *Color Additives in Food*

This week, a Senate committee considered [SB 101](#) requiring that, from January 1, 2010 to December 31, 2011, a warning label be placed on foods that contain color additives. The labeling requirement, applicable to all menus and food advertising notices, includes the following language: “Warning: the color additives in this food may cause hyperactivity and behavioral problems in some children.” The bill also prohibits, after January 1, 2012, the sale, purchase, use, or selling of food products containing specified color additives. A related Senate Joint Resolution ([SJ 3](#)) urges the United States Congress to enact legislation that bans the use of specified color additives in food sold, served, or distributed in the United States.

On a closely related topic, Senators also recently took testimony on [SB 100](#), to prohibit public schools and child care centers from purchasing, selling, using, or serving food products containing man-made artificial color additives after July 1, 2010. This includes food which may be purchased through a vending machine. Currently the U.S. Food and Drug Administration considers the nine man-made food additives named in the bill to be safe for consumption.

### *Prosthetic Parity Act*

A Senate committee heard testimony on the Prosthetic Parity Act ([SB 341/](#)[HB 579](#)) this week. The legislation, similar to legislation introduced in the 2008 session, requires insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for prosthetic devices, components of prosthetic devices, and repairs to prosthetic devices; prohibits covered benefits from being subject to a specified copayment or coinsurance requirement; and prohibits insurers, nonprofit health service plans, and health maintenance organizations from imposing a specified dollar maximum on specified coverage.

Several bills dealing with prohibitions on the use of wireless devices while driving are beginning to move through the hearing process. Under current law, a wireless communication device means a handheld or hands-free device used to access a wireless telephone service or a text messaging device.

Three measures are specifically aimed at prohibiting texting ([HB 72](#), [HB 323](#), and [SB 98](#)). Two proposals ([HB 518](#) and [SB 143](#)) prohibit use of a wireless communication device by a driver operating a school vehicle in motion that is carrying passengers or by a holder of a learner’s instructional permit or a provisional driver’s license who is 18 years of age or older. These bills also provide that drivers of a motor vehicle that is in motion may not use their hands to perform a wireless telephone call with specified exceptions. Another proposal, [SB 103](#), has these same restrictions but uses the term “handheld telephone.”

On a related topic, [SB 630/](#)[HB 564](#) prohibit a person from driving in an unsafe inattentive manner caused by specified preoccupying activities, one of which is using a wireless communications device. Other preoccupying activities include reading, writing, performing personal grooming, adjusting cargo, eating, drinking, smoking, physically attending to another passenger, or operation or observation of a video display.

---

## **TRANSPORTATION**

The public weighed in this week before a House committee on [HB 303](#), an Administration bill that increases restrictions and sanctions on young drivers. The bill and its companion, [SB 265](#), increase by three months the age limit for issuance of a learner’s instructional permit, provisional driver’s license, or driver’s license. Other provisions enhance the nighttime hours restriction and expand use of the “education and employment” restriction on provisional license holders younger than 18. The provisions of the bill regarding age of eligibility for licenses and permits are not retroactive.